

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM GREENVILLE COUNTY  
G.D. Morgan Jr., Circuit Court

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Appellate Case No.: 2023-001497

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Ronald Carl Cox, III, ..... Appellant,

vs.

Michael John Dimaggio, ..... Respondent.

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**MOTION FOR ADDITIONAL TIME TO FILE and MOTION FOR  
RECONSIDERATION OF THE COURT'S ORDER DATED  
JUNE 7, 2024**

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Appellant Ronald Carl Cox, III, moves for additional time to move for a Motion for Reconsideration of this honorable Court's Order dated June 7, 2024. It appears that the information provided to the Court was incomplete or misleading.

Along with argument, material information and additional documentation to be provided upon hearing and reconsideration of documentation regarding this ruling, Appellant would show that although his relevant Order of Protection was not filed with the clerk, it was argued, noted and referenced at Respondent's summary judgment motion hearing, from which this appeal arises.

The Order of Protection was argued and specifically addressed, to illustrate Counsel for the Appellant's serious medical issues he was suffering at the time the efforts and events surrounding Appellant's service of process on the Respondent were being made.

As to the Affidavit of Lauren O. Lipscomb, which supported the Circuit Court's granting of an Order of Service by Publication, while there may have been a technical filing error causing only a portion of the document to be visible in the lower Court's electronic filing system, this Affidavit should be properly considered, as it was previously entered and filed in this present case and part of the record; that Appellant's reference to the Affidavit during arguments below; and the Affidavit in its entirety being emailed to the Circuit Judge and accepted as supplemental documentation of arguments made by the parties (along with responsive supplemental material provided by Respondent and considered by the lower Court in making its ruling).

Both items seem to have been stricken after having been referenced throughout the hearing transcript, which is also listed on the Appellant's Designation of Matter, which may be where the miscommunication lies, if not for the mistake or inadvertence of Appellant's counsel, for which respectful apologies are humbly extended.

Appellant would show, in support of its Motion for Additional Time to respond or request a reconsideration of the ruling described herein, that counsel for Appellant was been handling an unusually heavy case load and trial schedule over the last several months, with trials in Circuit and Magistrate/Municipal weekly, well as Counsel's recent diagnosis with Lyme disease which he continues to recover.

This reconsideration and extension will not prejudice the rights of any of the other parties, rather would prevent material evidence from being considered, when this material was both argued below, and had been filed and part of the Court file, as well as the stricken

documents being supplemented to the lower Court as additional documentation for its consideration over the days after the motion was argued, without objection from Respondent. Further, Counsel for Respondent also provided supplemental materials to the lower Court for its consideration prior to its ruling. Appellant respectfully submits that a reconsideration of this ruling would allow certain apparent and material misunderstandings to be made clearer, and again would apologize for not being clearer to the Court, initially.

**PETTUS | FARNSWORTH, LLC**

BY: /s/ Daniel J. Farnsworth, Jr.  
Daniel J. Farnsworth, Jr.  
211 Pettigru Street (29601)  
Post Office Box 8719 (29604)  
Greenville, South Carolina  
Telephone (864) 250-9119  
Facsimile (864) 250-9120  
[Dan@FarnsworthLawOffices.com](mailto:Dan@FarnsworthLawOffices.com)

Greenville, South Carolina

July 8, 2024

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF GREENVILLE )  
 )  
Ronald Carl Cox, III, )  
 )  
 )  
Plaintiff, )  
 )  
 )  
v. )  
 )  
 )  
Michael John Dimaggio, )  
 )  
 )  
Defendant. )  
 )

IN THE COURT OF COMMON PLEAS  
C.A. No.: 2022-CP-23-02830

**ORDER FOR PUBLICATION**

Having read the Petition for Publication, submitted by the Plaintiff, that this is a civil action, filed pursuant to S.C. Code 63-15-210, and it appearing that the Defendant, Michael John DiMaggio, cannot be located by the Plaintiff after due diligence, (see attached Affidavits of Lauren Lipscombe and Steve Evett), it is ordered that the Defendant, Michael John DiMaggio, shall be served notice of this action by publication pursuant to South Carolina Code 15-9-710 (1976), as amended. The court finds, based on Plaintiff’s Petition, The Greenville News, in Greenville, South Carolina is a newspaper of general circulation within Greenville, South Carolina most likely to give the Defendant, Michael John DiMaggio, notice of these proceedings.

IT IS THEREFORE ORDERED that service in this matter be made on the Defendant, Michael John DiMaggio, by publication of Summons and Notice in The Greenville News, a newspaper of general circulation within Greenville, South Carolina once a week for three (3) consecutive weeks and that service of the Summons by mail be waived.

AND IT IS SO ORDERED.

\_\_\_\_\_  
Judge, Common Pleas

Date: \_\_\_\_\_



Greenville Common Pleas

**Case Caption:** Ronald Carl Cox III vs. Michael John Dimaggio

**Case Number:** 2022CP2302830

**Type:** Order/Publication

So Ordered

s/Letitia H. Verdin, SC Judge 2162



Dan Farnsworth &lt;dan@farnsworthlawoffices.com&gt;

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**RE: Protection Request - dan farnsworth, jr**

1 message

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**Verdin, Letitia H. Secretary (Brittany Long)** <lverdinsc@sccourts.org>  
To: D Farnsworth <Dan@farnsworthlawoffices.com>

Thu, Sep 8, 2022 at 1:21 PM

Hi Mr. Farnsworth,

I am sorry, I overlooked your email the other day! Your protection request has been approved Pickens County and I have sent your information over to the non-jury coordinator for Greenville County so you should receive an email from her soon as well. Please let me know if you need anything else! I hope your surgery and recovery go well!

Brittany Long

Administrative Assistant to the Honorable Letitia H. Verdin

305 East North Street Suite 318

Greenville SC, 29601

phone: (864) 467.8448

fax: (803) 734.1129

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**From:** D Farnsworth <Dan@farnsworthlawoffices.com>**Sent:** Friday, September 2, 2022 5:18 PM**To:** Gravely, Perry H. <pgravelyj@sccourts.org>; Gravely, Perry H. Secretary (Laura D. Colwell) <pgravelysc@sccourts.org>; Verdin, Letitia H. Law Clerk (Abigail Gowdy) <lverdinc@sccourts.org>; Verdin, Letitia H. Secretary (Brittany Long) <lverdinsc@sccourts.org>**Subject:** Protection Request - dan farnsworth, jr

\*\*\* **EXTERNAL EMAIL:** This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. \*\*\*

Dear Judge Verdin and Judge Gravley,

I hope this finds you both doing well. Unfortunately, I've been better, which is the purpose for this letter.

I am undergoing neck surgery on September 13th for what has apparently been several traumatic events over the years, combined with me getting old and my stubborn refusal to let my rather violent, and dangerous hobbies go..

Dr. Charles Kanos will be removing two cervical discs and fusing my C5-6 and C6-7 vertebrae together.

Dr. Kanos tells me that I'm looking at a 90 day recovery period.

This is to request that I be granted protection from Court appearances through December, so that I may have the best chance for a full recovery.

I know that this is a substantial period for which I am requesting protection, but I typically don't ask for this, and frankly a break from the daily grind of law practice as i step into the 29th year of my practice, would help me recover in a more stress free mindset.

Thank you for your consideration of my request.

Please give me a call if you have any questions or need any other information. My pre-operative appointment is on September 8th and the surgery is scheduled for September 13th.

Feel free to contact me on my cell at 864.979.7292

With kind regards, I remain

Yours very truly,

Daniel J Farnsworth Jr

--

Daniel J. Farnsworth, Jr.  
PETTUS // FARNSWORTH, LLC

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INJURY LAW and WRONGFUL DEATH

NURSING HOME ABUSE & NEGLECT

CRIMINAL LAW and DUI DEFENSE  
POLICE MISCONDUCT

EMPLOYMENT and BUSINESS LAW

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Virginia office:

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**Gravely, Perry H. Secretary (Laura D. Colwell)**

---

**From:** D Farnsworth <Dan@farnsworthlawoffices.com>  
**Sent:** Friday, September 2, 2022 5:18 PM  
**To:** Gravely, Perry H.; Gravely, Perry H. Secretary (Laura D. Colwell); Verdin, Letitia H. Law Clerk (Abigail Gowdy); Verdin, Letitia H. Secretary (Brittany Long)  
**Subject:** Protection Request - dan farnsworth, jr

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Daniel J Farnsworth Jr

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Daniel J. Farnsworth, Jr.  
PETTUS // FARNSWORTH, LLC

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INJURY LAW and WRONGFUL DEATH

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9/7/22

Approved for Thirteenth  
Judicial Circuit General  
Sessions per Judge Gravely

9/8/22 -  
12/31/22

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ldc



I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment by contempt.

FUTHER AFFIANT SAITH NOT.

Lauren Lipscomb  
Lauren Lipscomb

Sworn to before me this 14 day of September, 2022

Stan L. Gies  
Notary Public of South Carolina

My Commission expires: 8/31/2023

**RECEIVED**

**Jul 08 2024**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM GREENVILLE COUNTY  
G.D. Morgan Jr., Circuit Court

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Appellate Case No.: 2023-001497

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Ronald Carl Cox, III, ..... Appellant,

vs.

Michael John Dimaggio, ..... Respondent.

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**CERTIFICATE OF SERVICE**

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The undersigned paralegal of **PETTUS | FARNSWORTH, LLC** counsel for the Appellant, does hereby certify that of the Appellant, does hereby certify that the Appellant's Motion for Additional Time to File and Motion for Reconsideration of the Court's Order dated June 7, 2024 in the above-captioned matter was sent by electronic mail, as the below listed addresses clearly indicated on said envelopes this the 8<sup>th</sup> day of July, 2024.

John Kirkman Moorehead, Esquire  
2203 North Main Street  
Anderson, South Carolina 29621  
[kirk@mllawyers.com](mailto:kirk@mllawyers.com)  
Attorney for Respondent

*/s/ Lauren O. Lipscomb*  
Lauren Olivia Lipscomb  
Senior Litigation Paralegal to  
Daniel J. Farnsworth, Jr. (SC Bar 6922)  
211 Pettigru Street (29601)  
Post Office Box 8719 (29604)  
Greenville, South Carolina  
[Lauren@FarnsworthLawOffices.com](mailto:Lauren@FarnsworthLawOffices.com)

**PETTUS**

**FARNSWORTH**

Reginald Hoffman Pettus (1920-2000)  
John Wright Farnsworth (1941-1997)  
Daniel Joseph Farnsworth (Of Counsel)

Daniel J. Farnsworth, Jr.\*

\*Member of the South Carolina and Virginia Bar

Attorneys and  
Counselors at Law

211 Pettigru Street  
Greenville, South Carolina 29601

201 King Street  
Keysville, Virginia 23947

July 8, 2024

Via AIS Email  
The South Carolina Court of Appeals  
1220 Senate Street  
Columbia, South Carolina 29201

**Re: *Ronald Carl Cox, III v. Michael John Dimaggio***  
***Appellate Case Number: 2023-00149***

Dear Clerk:

Please find enclosed Motion for Additional Time to File and Motion for Reconsideration of the Court's Order dated June 7, 2024 in regards to the above-referenced matter due to Mr. Farnsworth's recent Lyme disease diagnosis, as well as an excessive case load and trial schedule.

I am placing the fifty dollar filing fee in the United States Postal Service. I have also copied opposing counsel to this correspondence, who consents to our Motion for Additional Time.

By copy of this letter, I am serving copies on all counsel of record.

With kind regards, I remain

Yours truly,  
**PETTUS | FARNSWORTH, LLC**

/s/ Lauren O. Lipscomb  
Lauren O. Lipscomb  
Senior Litigation Paralegal to  
Daniel J. Farnsworth, Jr.

/lol  
Enclosures  
Cc: John Kirkman Moorehead