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Jul 31 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM WILLIAMSBURG COUNTY

Court of Common Pleas

Kristi F. Curtis, Circuit Court Judge

Case No. 2023CP4500208

KOWSALYA SETHUMADHAVAN,
BHARATHI SETHMADHAVAN

Respondent,

v.

QUINCY JONES
SANDY JONES,

Appellant.

MOTION TO REINSTATE

William Joseph Virgil Barr

/s/ William Joseph Virgil Barr
WV BARR LAW LLC
108 N. Academy Street
Kingstree, South Carolina 29556
(843) 355-5444
Attorney for Appellants

Other Counsel(s) of Record:

John Thomas Thompson, Esquire
Jenkinson, Jarrett, Kellahan, Thompson, & Reynolds. PA
120 West Main Street
Kingstree, SC 29556
Attorney for Respondent

Comes now the undersigned Counsel for the Appellants, Quincy Jones and Sandy Jones, respectfully moves this Honorable Court to reinstate the appeal in the above-captioned matter. The dismissal of the appeal in this matter was due to a failure to timely Order the Transcript from the hearing . Counsel for Appellants was without fault, had a reasonable excuse his failure to timely Order the Transcript. Extenuating circumstances led to the oversight and that the Appellants would be prejudiced and denied justice by the dismissing of the same.

BACKGROUND

The Appellants filed an action with the Williamsburg County Court of Common Pleas on May 25, 2023. Counsel for the Respondents filed an Answer and Counterclaim, Notice of Appearance of Counsel and Motion to Dismiss on July 28, 2023. The case came before the Court virtually on November 1, 2023. The Court issued its ruling on January 2, 2024. Appellant's Counsel filed a Motion to Reconsider on February 28, 2024. Said Motion was dismissed by the Court on April 1, 2024. Counsel for Appellants filed a Notice of Appeal on May 8, 2024.

AFFIRMATION IN SUPPORT MEMORANDUM FOR MOTION

Counsel for Appellant experienced catastrophic issues in his firm when his server was compromised leaving Counsel for the Appellant without access to the files located on the calendar as well as his calendar. Additionally, Counsel for the Appellants email was damaged due to the crashing of the server. The foregoing caused a disruption in Counsel of the Appellants Day to day business thus causing him to miss the deadline for the filing Pursuant to Rule 260 Dismissal and Reinstatement, S.C. App. Ct. R 260, the Court grants leave to reinstate a case based on "upon good cause shown".

CONCLUSION

Based upon the reasons stated herein above this Court should reinstate the Appeal of the Appellants due to the Appellants not being at fault for the untimely filing and ultimately denying the Appellants of any relief from the Court. Additionally, by denying the Appellants the ability to move forward with their appeal they will be denied any relief as requested from the Court. Counsel for the Appellants, William Joseph Virgil Barr Prays this Court will be lenient and understanding of the Appellants being without fault for the untimely filing. Counsel for the Appellants have made a good-faith effort to remedy the default and prays that he be allowed to proceed with the Appeal. Should the Court be so inclined to grant the Motion, Counsel of Record, will give good faith effort to prevent future mistakes.

William Joseph Virgil Barr

William Joseph Virgil Barr
Attorney for Appellant
108 North Academy Street
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PROOF OF SERVICE

I certify that I have served the Motion to Reinstate on the Respondents Attorney, John Thomas Thompson by personal delivering the same to his office along with depositing a copy of it in the United States Mail, postage prepaid, on July 30, 2024, addressed to her attorney of record, John Thomas Thompson at the below address.

John Thomas Thompson, Esquire
Jenkinson, Jarrett, Kellahan, Thompson, & Reynolds. PA
120 West Main Street
Kingstree, SC 29556
Attorney for Respondent

July 30, 2024

William Joseph Virgil Barr

William Joseph Virgil Barr
108 N. Academy Street
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843-355-5444
Attorney for Appellant