

The South Carolina Court of Appeals

Vanessa Holloway, Respondent,

v.

Legrantt Nesbitt, Appellant.

Appellate Case No. 2024-002139

RECEIVED

Jan 23 2025

SC Court of Appeals

MOTION TO REINSTATE APPEAL

The Appellant hereby moves this Court pursuant to Rule 260 of the South Carolina Appellate Court Rules for an Order reinstating the Appeal in the above captioned matter. This Appeal was dismissed by ORDER OF DISMISSAL filed by the clerk on January 10, 2025. The Appellant filed the notice of Appeal on December 18, 2024 and Proof of Service on December 18, 2024. The clerk notified counsel that the Proof of Service was incomplete. An amended Proof of Service was filed on December 23, 2024 incorrectly and by scrivener error listing the date of service as December 23, 2024. Appellant has filed a second amended Proof of Service correctly indicating that the service of the Notice of Appeal was delivered on December 18, 2024 thereby correcting the scrivener error and accurately stating that the Notice of Appeal was served on December 18, 2024.

Wherefore, for good cause shown, the Appellant prays that this Appeal be reinstated.

Columbia, South Carolina
January 23, 2024

Respectfully submitted,

S/Herbert E. Buhl, III
Herbert E. Buhl, III
2204 Devine Street
Columbia, South Carolina 29205
803.799.3767
SC Bar No. 1000
Herb@herbbuhl.com
ATTORNEY FOR APPELLANT
Legrantt Nesbitt by and through
Twanda Nesbitt, as Attorney-in-fact

STATE OF SOUTH CAROLINA COUNTY OF Richland Vanessa Holloway, PLAINTIFF(S), -VS- Legrantt Nesbitt, DEFENDANT(S).	IN THE COURT OF COMMON PLEAS CASE#2022CP4001357 ORDER DENYING DEFENDANT'S MOTION FOR RELIEF FROM DEFAULT
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This matter comes before the court upon an action in which the Defendant has filed a motion for Relief from Judgment under SCRPC 55 and 60(b). A hearing was held on this matter on November 12, 2024, in which all parties were afforded the opportunity to present arguments. Plaintiff was represented by Trevor P. Eddy, Esq. and Defendant was represented by Herbert E. Buhl, III, Esq.

This Court makes the following findings:

1. Plaintiff brought this action against Defendant on March 16, 2022 arising out of an incident in which Plaintiff was a victim of assault by Defendant.
2. Plaintiff validly served Defendant, who was incarcerated at the time, through the office of the Lexington County Sheriff Department in compliance with SCRPC 4(d)(2).
3. Defendant failed to timely Answer and was placed in Default by order of this Court on May 18, 2022.
4. Plaintiff moved for a Default Damages Hearing on May 24, 2022 that was served upon Defendant again through the Lexington County Sheriff's Department on May 26, 2022.
5. Plaintiff provided notice of the schedule of the hearing through the Lexington County Sheriff's Department on March 7, 2023.
6. On March 23, 2023, a hearing was held on Plaintiff's Motion for Default Damages. Neither Defendant nor representative for Defendant attended the hearing, though due notice was given.

EXHIBIT A

RECEIVED

Dec 18 2024

SC Court of Appeals



Richland Common Pleas

Case Caption: Vanessa Holloway vs Legrantt Nesbitt
Case Number: 2022CP4001357
Type: Order/Other

So Ordered

s/ Daniel Coble, 2774

Electronically signed on 2024-11-20 14:33:27 page 3 of 3

ELECTRONICALLY FILED - 2024 Nov 20 2:36 PM - RICHLAND - COMMON PLEAS - CASE#2022CP4001357

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2022CP4001357 : Vanessa Holloway vs Legrantt Nesbitt

Common Pleas

Case Number 2022CP4001357
Case Subtype Premises Liab 330
Filed Date 03-16-2022
Status Appeal

Plaintiff Vanessa Holloway
Defendant Legrantt Nesbitt
Assigned Judge Clerk Of Court C P, G S, And Family Court
File Type Jury

Show/Hide Participants

Name	Description	Type	File Date
Legrantt Nesbitt	NEF(12-16-2024 01:25:20 PM) Appeal/Notice of Appeal to C...	Filing	12-16-2024 03:58:49 PM
Legrantt Nesbitt	Appeal/Notice of Appeal to Court of Appeals	Filing	12-16-2024 01:25:20 PM
Legrantt Nesbitt	Appeal/Notice of Appeal to Court of Appeals-AP_1	Filing	12-16-2024 01:25:20 PM
Legrantt Nesbitt	Service/Certificate Of Service	Filing	12-16-2024 01:25:20 PM
Vanessa Holloway	NEF(11-20-2024 02:36:11 PM) Order/Other	Filing	11-20-2024 02:36:22 PM
Vanessa Holloway	Order Denying Defendant's Motion for Relief of Default	Order	11-20-2024 02:36:11 PM
Vanessa Holloway	NEF(11-20-2024 11:59:00 AM) Proposed Order/Other	Filing	11-20-2024 12:50:15 PM
Vanessa Holloway	Order/Order Cover Sheet \$25.00	Filing	11-20-2024 11:59:00 AM
Vanessa Holloway	NEF(11-18-2024 10:34:08 AM) Order/Electronic Form 4	Filing	11-18-2024 10:34:18 AM
Vanessa Holloway	Form 4 After careful consideration of the arguments and writ	Order	11-18-2024 10:34:08 AM
Legrantt Nesbitt	NEF(11-12-2024 09:41:15 AM) Filing/Other	Filing	11-12-2024 10:41:07 AM
Legrantt Nesbitt	Filing/Defendant's Exhibits	Filing	11-12-2024 09:41:15 AM
Legrantt Nesbitt	Filing/Defendant's Exhibits-EX_1	Filing	11-12-2024 09:41:15 AM
Legrantt Nesbitt	Filing/Defendant's Exhibits-EX_2	Filing	11-12-2024 09:41:15 AM
Legrantt Nesbitt	Filing/Defendant's Exhibits-EX_3	Filing	11-12-2024 09:41:15 AM
Legrantt Nesbitt	Filing/Defendant's Exhibits-EX_4	Filing	11-12-2024 09:41:15 AM
Trevor Penrose Eddy	11/12/2024_MOTION_Roster/Notice of Motions Roster Publicatio	Action	09-26-2024 02:44:30 PM
Herbert E. Buhl, III	11/12/2024_MOTION_Roster/Notice of Motions Roster Publicatio	Action	09-26-2024 02:44:30 PM
Legrantt Nesbitt	NEF(01-22-2024 09:50:46 AM) Notice/Notice of Appearance	Filing	01-22-2024 09:56:19 AM
Legrantt Nesbitt	Notice/Notice of Appearance	Filing	01-22-2024 09:50:46 AM
Legrantt Nesbitt	Motion/Relief	Motion	01-22-2024 09:50:46 AM
Vanessa Holloway	NEF(05-08-2023 04:02:04 PM) Order/Damages	Filing	05-08-2023 04:02:19 PM
Vanessa Holloway	Order/Damages	Order	05-08-2023 04:02:04 PM
Vanessa Holloway	Order/Damages-EX_1	Order	05-08-2023 04:02:04 PM
Vanessa Holloway	Order/Damages-EX_2	Order	05-08-2023 04:02:04 PM
Vanessa Holloway	Order/Damages-EX_3	Order	05-08-2023 04:02:04 PM
Vanessa Holloway	Order/Damages-EX_4	Order	05-08-2023 04:02:04 PM
Vanessa Holloway	Judgment/Default	Judgment	05-08-2023 04:01:37 PM
Legrantt Nesbitt	Judgment/Default	Judgment	05-08-2023 04:01:37 PM
Vanessa Holloway	NEF(04-11-2023 01:57:53 PM) Proposed Order/Damages	Filing	04-11-2023 04:30:14 PM
Vanessa Holloway	Order/Order Cover Sheet \$25.00	Filing	04-11-2023 01:57:53 PM
Vanessa Holloway	NEF(03-23-2023 10:14:13 AM) Notice/Notice of Hearing	Filing	03-23-2023 10:22:46 AM
Vanessa Holloway	Notice/Notice of Hearing	Filing	03-23-2023 10:14:13 AM
Vanessa Holloway	Notice/Notice of Hearing-EX_1	Filing	03-23-2023 10:14:13 AM
Trevor Penrose Eddy	3/23/2023_MOTION_Roster/Notice of Motions Roster Publication	Action	03-06-2023 11:52:03 AM
Trevor Penrose Eddy	2/23/2023_MOTION_Roster/Notice of Motions Roster Publication	Action	02-03-2023 10:20:15 AM
Trevor Penrose Eddy	1/12/2023_MOTION_Roster/Notice of Motions Roster Publication	Action	12-20-2022 09:48:40 AM
Vanessa Holloway	ADR/Alternative Dispute Resolution (Workflow)	Action	10-12-2022 02:04:05 PM
Vanessa Holloway	NEF(05-24-2022 09:47:40 AM) Motion/Damages	Filing	05-24-2022 10:02:56 AM
Vanessa Holloway	Motion/Damages	Motion	05-24-2022 09:47:40 AM
Vanessa Holloway	NEF(05-18-2022 03:00:07 PM) Order/Entry of Default	Filing	05-18-2022 03:00:30 PM
Vanessa Holloway	Order/Entry of Default Against Defendant Legrantt Nesbitt	Order	05-18-2022 03:00:07 PM
Vanessa Holloway	NEF(05-11-2022 11:30:47 AM) Proposed Order/Entry of Defa...	Filing	05-11-2022 02:26:11 PM
Vanessa Holloway	Order/Order Cover Sheet \$25.00	Filing	05-11-2022 11:30:47 AM
Vanessa Holloway	NEF(05-11-2022 10:59:38 AM) Affidavit/Default	Filing	05-11-2022 11:28:32 AM
Vanessa Holloway	Affidavit/Default For Defendant Legrantt Nesbitt	Filing	05-11-2022 10:59:38 AM
Vanessa Holloway	NEF(04-18-2022 02:26:23 PM) Service/Affidavit Of Service	Filing	04-18-2022 02:55:41 PM
Vanessa Holloway	Service/Affidavit Of Service	Filing	04-18-2022 02:26:23 PM
Vanessa Holloway	Summons & Complaint	Filing	03-16-2022 02:04:05 PM

EXHIBIT B



***** IMPORTANT NOTICE - READ THIS INFORMATION *****

NOTICE OF ELECTRONIC FILING [NEF]

-

A filing has been submitted to the court RE: 2022CP4001357

Official File Stamp: 12-16-2024 01:25:20 PM

Court: CIRCUIT COURT

Common Pleas

Richland

Case Caption: Vanessa Holloway vs Legrantt Nesbitt

Document(s) Submitted: Appeal/Notice of Appeal to Court of Appeals

- E-Filing/Additional Parts

Service/Certificate Of Service

Filed by or on behalf of: Herbert E. Buhl, III

This notice was automatically generated by the Court's auto-notification system.

-

The following people were served electronically:

Herbert E. Buhl, III for Legrantt Nesbitt

Trevor Penrose Eddy for Vanessa Holloway

The following people have not been served electronically by the Court. Therefore, they must be served by traditional means:

ELECTRONICALLY FILED - 2024 Dec 16 3:58 PM - RICHLAND - COMMON PLEAS - CASE#2022CP4001357

Certificate of Electronic Notification

Recipients

Herbert Buhl - Notification transmitted on 12-16-2024 01:25:31 PM.

Trevor Eddy - Notification transmitted on 12-16-2024 01:25:31 PM.

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Daniel Coble, Circuit Judge

Case No.: 2022CP4001357

Vanessa Hollaway..... Respondent

Vs.

Legrantt Nesbitt..... Appellant
By and through his Power of Attorney Twanda Nesbitt.

NOTICE OF APPEAL

The Appellant, Legrantt Nesbitt, by and through his Power of Attorney Twanda Nesbitt appeals the order of the Honorable Daniel Coble, Dated November 20,2024. Appellant received written notice of entry of this order on November 20, 2024.

Other Counsel of Record:

S/Herbert E. Buhl, III

Herbert E. Buhl, III
2204 Devine St.
Columbia, SC 29205
803.799.3767
SC Bar No 1000
Herb@herbbuhl.com
Attorney for Appellant

Trevor P. Eddy Esquire
1522 Lady St.
Cola, SC 29201
803.250.5402
trevor@theeddylawfirm.com

HERBERT E. BUHL, III

ATTORNEY & COUNSELOR AT LAW

December 19, 2024

Clerk, South Carolina Court of Appeals
P.O Box 11629
Columbia, SC 29211

Re: Vanessa Holloway Respondent vs.
Legrantt Nesbitt Appellant
Case No 2022-CP-40-01357

Dear Sir/Madam,

Enclosed you will find a notice of appeal in the above captioned matter. Also enclosed you will find proof of service along with the filing fee.

If you have any questions, please do not hesitate to contact me.

Thank you for your assistance in this matter.

Sincerely,

S/Herbert E. Buhl, III
Herbert E. Buhl, III
Attorney at Law

HEB/jl
Enclosures: (as stated)
Cc: Twanda Nesbitt
Legrantt Nesbitt

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Dec 18 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Daniel Coble, Circuit Judge

Case No.: 2022CP4001357

Vanessa Hollaway..... Respondent

Vs.

Legrantt Nesbitt..... Appellant
By and through his Power of Attorney Twanda Nesbitt.

NOTICE OF APPEAL

The Appellant, Legrantt Nesbitt, by and through his Power of Attorney Twanda Nesbitt appeals the order of the Honorable Daniel Coble, Dated November 20,2024. Appellant received written notice of entry of this order on November 20, 2024.

Other Counsel of Record:

S/Herbert E. Buhl, III

Herbert E. Buhl, III
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Columbia, SC 29205
803.799.3767
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Attorney for Appellant

Trevor P. Eddy Esquire
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trevor@theeddylawfirm.com

EXHIBIT C

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Dec 18 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Daniel Coble, Circuit Judge

Case No.: 2022CP4001357

Vanessa Hollaway..... Respondent

Vs.

Legrantt Nesbitt..... Appellant
By and through his Power of Attorney Twanda Nesbitt.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on Trevor P. Eddy Esquire, by depositing a copy of it in the United States Mail, postage prepaid on December ____, 2024, addressed to the attorney of record.

Trevor P. Eddy Esquire
1522 Lady St.
Cola, SC 29201
803.250.5402
trevor@theeddylawfirm.com

S/Herbert E. Buhl, III

Herbert E. Buhl, III
2204 Devine St.
Columbia, SC 29205
803.799.3767
SC Bar No 1000
Herb@herbbuhl.com
Attorney for Appellant

EXHIBIT D

10

FORM 7
PROOF OF SERVICE OF A NOTICE OF APPEAL

RECEIVED

Dec 23 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Daniel Coble, Circuit Court Judge

Case No. 2022-CP-40-01357

Vanessa Holloway,

Respondent,

v.

Legrant Nesbitt,
By and through his Power of Attorney
Twanda Nesbitt,

Appellant.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on Vanessa Holloway by depositing a copy of it in the United States Mail, postage prepaid, on December 23, 2024, addressed to his attorney of record, Trevor P. Eddy, Esquire, 1522 Lady St., Columbia, South Carolina 29201.

December 23, 2024



Herbert E. Buhl, III
2204 Devine ST.
Columbia, South Carolina 29205
803.799.3767
Attorney for Appellant

EXHIBIT E

11

The South Carolina Court of Appeals

Vanessa Holloway, Respondent,

v.

Legrantt Nesbitt, Appellant.

Appellate Case No. 2024-002139

AMENDED
PROOF OF SERVICE

I certify that I have served the Notice of Appeal on Vanessa Holloway by depositing a copy of it in the United States Mail, postage prepaid, on December 18, 2024, addressed to her attorney of record,

Trevor P. Eddy, Esquire
1522 Lady St.
Columbia, South Carolina 29201.

S/Herbert E. Buhl, III
Herbert E. Buhl, III
2204 Devine ST.
Columbia, South Carolina 29205
803.799.3767
SC Bar No. 1000
Herb@herbbuhl.com
ATTORNEY FOR DEFENDANT
Legrantt Nesbitt by and through his
Power of Attorney, Twanda Nesbitt.

Exhibit F

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The South Carolina Court of Appeals

Vanessa Holloway, Respondent,

v.

Legrantt Nesbitt, Appellant.

Appellate Case No. 2024-002139

MEMORANDUM IN SUPPORT
OF MOTION TO REINSTATE
APPEAL

The Appellant hereby moves this Court pursuant to Rule 260 of the South Carolina Appellate Court Rules for an Order reinstating the Appeal in the above captioned matter. This Appeal was dismissed by ORDER OF DISMISSAL filed on January 10, 2025, by the clerk of Court. As grounds for reinstatement, the Appellant would allege and show unto the court as follows:

1. The Appellant received notice of the Order of the Circuit Court on November 20, 2024 (Exhibit A)
2. The Appellant filed the Notice of Appeal and Proof of Service with the Circuit Court on December 16, 2024. (Exhibit B)
3. Appellant filed Notice of Appeal with the South Carolina Court of Appeals on December 18, 2024. (Exhibit C)
4. Appellant filed Proof of Service with the South Carolina Court of Appeals on December 18, 2024. (Exhibit D)

5. Appellant was notified by the clerk that the Proof of Service was incomplete.
6. Appellant filed a Proof of Service with The South Carolina Court of Appeals on December 23, 2024, which inadvertently and mistakenly listed the date of service as December 23, 2024 (Exhibit E) The date of the Proof of Service was actually December 18, 2024, the same date the Notice of Appeal was filed with the South Carolinas Court of Appeals.
7. Appellant has filed an Amended Proof of Service certifying that the Notice of Appeal was served December 18, 2024, in order to correct the scrivener error. (Exhibit F)
8. Appellant would show unto the court the Proof of Service filed on December 23, 2024, contained the scrivener's error and incorrectly listed the date of service as December 23, 2024, instead of the actual date of service of December 18, 2024, the same service date that the Notice of Appeal was filed with The Court of Appcals on December 18, 2024.

Appellant prays that this Court reinstate the Appeal. The Respondent was notified on December 16, 2024, by the e-filing in the Circuit Court of the Notice of Appeal, and was notified again on December 18, 2024, by the Court of Appeals by the e-filing of the Notice of Appeal. The Court should not dismiss a meritorious appeal based upon the scrivener's error on the Proof of Service.

The Appellant would allege and show that a clerical error on a mistaken date should be liberally constricted so an to do substantial justice to all parties and the Court rules should be construed to serve the just, speedy, and inexpensive determination of every case Royster Co. v Eastern distribution, Inc., 389 S.E.2d 863 (1990).

Respectfully submitted,

Columbia, South Carolina
January 23, 2024

S/Herbert E. Buhl, III
Herbert E. Buhl, III
2204 Devine Street
Columbia, South Carolina 29205
803.799.3767
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Herb@herbbuhl.com
ATTORNEY FOR APPELLANT
Legrantt Nesbitt by and through his Power
of Attorney, Twanda Nesbitt

RECEIVED

Jan 23 2025

SC Court of Appeals

CERTIFICATE OF SERVICE

I, Herbert E. Buhl, III Attorney for the Appellant, Legrantt Nesbitt, do hereby certify that I served a copy of the Motion to Reinstate Appeal and Memorandum upon Trevor P. Eddy, Esquire 1522 Lady St., Columbia, SC 29201 on the 23rd day of January, 2025 by prepaid United States Mail postage.

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Attorney For Appellant
Legrantt Nesbitt