

The South Carolina Court of Appeals

SAH Industries LLC, Appellant,

v.

Rose Heatly Summer, Kyle Ashley Wilson, Mariannice Katherine Wilson, Carter Lumber of the South, Inc., R. Douglas Maddox d/b/a Maddox, LLC and First Citizen Bank and Trust Company, Inc., Defendants,

Of whom Rose Heatly Summer, Kyle Ashley Wilson, and Mariannice Katherine Wilson are the Respondents.

Appellate Case No. 2012-213117

ORDER

This appeal was filed on October 1, 2012. This court first dismissed this appeal on December 27, 2012, due to Appellant's failure to provide proof of ordering the transcript and failure to serve and file its initial brief and designation of matter. Appellant filed a motion to reinstate, explaining that Appellant did order the transcript, but failed to notify this court that the transcript was ordered. This court granted the motion and reinstated the appeal. On May 20, 2013, forty-five days after Respondents served their initial brief and designation of matter, Appellant requested a thirty-day extension for serving the record on appeal. This court granted the extension. On June 7, 2013, Appellant filed a second motion for a thirty-day extension of time to serve the record on appeal. Again, this court granted an extension, explaining that the time for serving the record on appeal was extended to July 8, 2013. On July 17, 2013, this court dismissed this appeal for failure to serve the record on appeal. Appellant has now filed a petition to reinstate, requesting that this court reinstate the appeal and grant Appellant another thirty-day extension for serving the record on appeal. We construe the motion as a petition to rehear this court's dismissal of this appeal.

As noted above, this appeal has already been dismissed and reinstated once, it has been 137 days since the original deadline for serving the notice of appeal, and Appellant has not served the record on appeal to date. These facts and circumstances indicate conclusively that we properly dismissed this appeal, and that good cause does not exist for reinstatement. The petition for rehearing is therefore denied.

John Cannon, Jr. C.J.
A. Ke J.
Jasquelin Curator A.J.

Columbia, South Carolina

cc:
Townes Boyd Johnson, III
John Robert Devlin, Jr.
Emily T. Whitney

FILED
10/2/13



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

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October 02, 2013

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Re: SAH Industries LLC v. Rose Heatly Summer
Appellate Case No. 2012-213117

Dear Counsel:

Enclosed is a copy of an order regarding the above case. The remittitur will be sent as provided by Rule 221(b), SCACR.

Very truly yours,

V. Claire Allen, Deputy

CLERK