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2013 SEP 30 AM 10:42

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS

COUNTY OF MCCORMICK) Civil Action No. 2011-CP-35-00034
CLERK OF COURT
MCCORMICK COUNTY, SC

Samuel L. McPherson, as Presiding Elder)
of the Abbeville-Greenwood District of)
the African Methodist Episcopal Church,)
Plaintiff,)

vs.)

Henry Banks, Mary Robinson, Delois)
Phillips, Naomi Mattison, and Frank)
Mattison,)
Defendants.)

ORDER DENYING PLAINTIFF'S
MOTION TO FOR DEPOSITION
PENDING APPEAL

RECEIVED

OCT 15 2013

SC Court of Appeals

Counsel for Plaintiff: Randall R. Williams, Esq.
Counsel for Defendants: Marvin Watson, Esq.

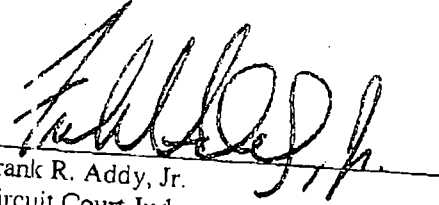
THIS MATTER IS BEFORE THE COURT due to the fact that, at the last hearing on this case, the court did not address Plaintiff's request for leave to take depositions during appeal pursuant to Rule 27 (b) SCRPC.

Plaintiff's motion is denied. In Plaintiff's motion counsel requests to take the deposition of Henry Banks again. Plaintiff seeks to take the deposition of other individuals related to checks which were purportedly moved from Abbeville Savings and Loan to First Citizens Bank. First, Plaintiff has already taken the deposition of Mr. Banks. Second, Plaintiff has already investigated the transactions and appears to understand when the funds were transferred and why. Third and most significantly, Plaintiff's motion does not detail the substance of the testimony which he anticipates to elicit from the witnesses, nor does the motion explain the reasons necessary for perpetuating their testimony.

The court finds that perpetuation of the witnesses' testimony is not necessary. Should Plaintiff succeed on appeal, Plaintiff may move to retake the deposition of Mr. Banks and may take the deposition of the other witnesses.

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IT IS SO ORDERED.



Frank R. Addy, Jr.
Circuit Court Judge

September 24, 2013
Greenwood, South Carolina

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