

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

70249

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APPEAL FROM GREENVILLE COUNTY  
Court of Common Pleas

Letitia H. Verdin, Circuit Court Judge

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Case No. 2011-CP-23-08455

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Oscar Sorcia .....Appellant,

v.

Brady K. Mathis and Palmetto Surety Corporation..... Respondents.

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**RESPONDENTS' MOTION TO COMPEL APPELLANT  
TO ORDER TRANSCRIPT OF PROCEEDINGS BELOW  
OR, ALTERNATIVELY, TO DISMISS APPEAL, AND  
MOTION TO STAY DEADLINES**

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OCT 31 2013

Attorneys for Respondents

**SC Court of Appeals**

**TO: THE HONORABLE JUDGES OF THE SOUTH CAROLINA  
COURT OF APPEALS**

Respondents hereby move for an Order compelling Appellant to order the transcript of the proceedings below or, alternatively, to dismiss the appeal. Due to the nature of Respondents' Motion, Respondents respectfully request that all deadlines be stayed and that Respondents be allowed thirty (30) days from the date of receipt of the transcript in which to serve their Initial Brief.

**MEMORANDUM IN SUPPORT OF RESPONDENTS' MOTION**

This appeal arises from the Circuit Court granting Respondents' Motion for Summary Judgment on all causes of action and denying Appellant's Motion for Summary Judgment. A hearing was held on Cross Motions for Summary Judgment on June 19, 2013, at which time arguments were presented and one or more documents were introduced as exhibits to the hearing. The Circuit Court issued an Order on June 19, 2013 in favor of Respondents. Appellant filed a Motion to Alter or Amend pursuant to Rule 59(e), SCRCR which was denied by Order dated July 29, 2013. Appellant has appealed both orders.

The basis of this motion is that Appellant has failed to order the transcript of the proceedings below. Pursuant to Rule 207, SCACR, Appellant was required to order the transcript within ten (10) days after the date of service of the notice of appeal. Appellant served his Motion to Proceed in Forma Pauperis and Notice of Appeal on Sidney P. Mitchell, Jr. on August 22, 2013. Appellant served his Initial Brief and Designation of Matter on October 3, 2013. However, Respondents' counsel has not received any correspondence indicating that Appellant has ordered the transcript of the proceedings below.

In his initial brief, Appellant has raised issues that were not presented and therefore not preserved in the Circuit Court. A court reporter was present at the hearing on June 19, 2013, and presumably the transcript and exhibit(s) are available. Respondents are unable to properly respond to the arguments raised in Appellant's Initial Brief until they have received a transcript of the proceedings below.

WHEREFORE, Respondents move that this Court issue an Order compelling Appellant to order the transcript of the proceedings below, or alternatively, dismiss his appeal for failure to comply with the South Carolina Appellate Court Rules. Respondents further request that all deadlines be stayed pending resolution of this Motion and that Respondents be allowed thirty (30) days from the date of receipt of the transcript in which to serve their Initial Brief.

Respectfully-submitted,



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October 23, 2013  
Greenville, South Carolina