

**RECEIVED**  
**Oct 09 2025**  
**SC Court of Appeals**

In The State of South Carolina  
In the Court of Appeals  
Appellate Case No. 2025-001957  
Appeal from Spartanburg County  
Civil Action Number 2025CP4201687

Donald C. Roth,

Respondent,

v.

The River Bend Sportsman's Resort, Inc.,  
Riverbend Properties, Inc., Ralph N. Brendle,  
Paul J. Barnwell, Robert T. Estes, and Paul  
Lehner,

Appellants.

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**MOTION REQUESTING PERMISSION TO ORDER  
TRANSCRIPT OUT OF TIME**

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Defendants, by and through their undersigned attorney, hereby request permission to order transcripts out of time for the reasons set forth herein and in the enclosed affidavit. There are at least two transcripts to be ordered. Defendants' counsel has been working to ascertain the correct reporters. Defendants' counsel thought this had been accomplished and requests made but apparently this has not been completed. While this should have been done before, the request was not made and requests will be made forthwith.

While this affidavit is filed by way of explanation and mitigation, the request should have been made. No appreciable delay will occur as counsel will act promptly. As further explanation, counsel is not certain the time for appeal has actually run, as defendants have not received or seen a filed order as to the Motion to Reconsider the latest order, though Motion was timely filed, but filed the appeals out of an abundance of caution.

THE ANTHONY LAW FIRM, P.A.



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October 9, 2025

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**AFFIDAVIT OF KENNETH C. ANTHONY, JR.**

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By way of further explanation and in support of defendants' Motion , counsel would offer the following in mitigation.

While counsel prefers not to enter his medical records in the file, counsel has been undergoing treatment over the last several months through the Roper hospital system in Charleston. Counsel has had one overnight hospital stay during which as many as five or six procedures and medical tests, some invasive, were performed. Two outpatient procedures have

occurred since, both of which were invasive, the last having occurred just this Monday, October 6. Again, this is offered only by way of explanation. An employee of approximately forty years, familiar with such matters, has been handling these filings and counsel thought the reporters had been identified and requests sent although, as stated, counsel is not certain the time for appeal has even run since an order on the Motion to Reconsider has not been received.

I have been excused from court twice during this period but failed to notify this Court.

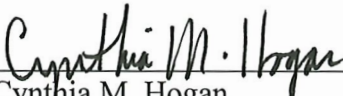
If permission is granted, action will be taken promptly and future deadlines strictly followed. Counsel believes that there are a number of grounds for appeal and reversible error by at least two judges. This is a very serious case which deserves to be heard on the merits.

THE ANTHONY LAW FIRM, P.A.



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SWORN to before me this  
October 9, 2025.

  
\_\_\_\_\_  
Cynthia M. Hogan  
Notary Public for SC  
My Commission Expires: 1-15-30

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PROOF OF SERVICE

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I certify that I have served the Motion Requesting Permission To Order Transcript Out of Time, Affidavit of Kenneth C. Anthony, Jr., and Request for Transcripts on Donald Roth by depositing a copy in the United States Mail, postage prepaid, on October 9, 2025, addressed to his attorneys of record, James H. Cassidy, Vincent Clark Price, and Fred W. Suggs, III, Post Office Box 10529, Greenville, South Carolina 29603.

October 9, 2025  
Spartanburg, SC

s/ Kenneth C. Anthony, Jr.  
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