

RECEIVED

Dec 30 2025

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM ANDERSON COUNTY
Court of Common Pleas

The Honorable J. Cordell Maddox, Circuit Court Judge

Appellate Case No. 2025-000455

Brock Landscape Contractors, LLC d/b/a Brock Landscape,
Respondent,

v.

Clyde E. Abernathy, Sharon M. Abernathy, and Michael L. Abernathy, individually, and
Michael L. Abernathy d/b/a Abernathy Welding & Sandblasting,
Appellants,

AND

Michael L. Abernathy d/b/a Abernathy Welding & Sandblasting,
Appellant,

v.

William Harold Brock, Jr.,
Respondent.

MOTION TO REINSTATE APPEAL

Pursuant to 260, SCACR, and other applicable law, the Appellants hereby move this
Honorable Court for an Order reinstating the appeal in this case. This Motion is based on the
attached memorandum.

December 30, 2025

s / G. Lee Cole, Jr.

G. Lee Cole, Jr.

SC Bar Number 100352

COX & COLE, ATTORNEYS AT LAW

P.O. Box 315

Williamston, SC 29697

Tel. (864) 847-9289

Fax (864) 847-7895

LeeCole@CoxandCole.com

Attorney for the Appellants

RECEIVED

Dec 30 2025

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM ANDERSON COUNTY
Court of Common Pleas

The Honorable J. Cordell Maddox, Circuit Court Judge

Appellate Case No. 2025-000455

Brock Landscape Contractors, LLC d/b/a Brock Landscape,
Respondent,

v.

Clyde E. Abernathy, Sharon M. Abernathy, and Michael L. Abernathy,
individually, and Michael L. Abernathy d/b/a Abernathy Welding & Sandblasting,
Appellants,

AND

Michael L. Abernathy d/b/a Abernathy Welding & Sandblasting,
Appellant,

v.

William Harold Brock, Jr.,
Respondent.

MEMORANDUM IN SUPPORT OF MOTION TO REINSTATE APPEAL

The Appellants have filed a Motion to Reinstate the appeal in this case and assert that there is good cause for granting the same. This appeal was dismissed pursuant to an Order of this Court, filed December 16, 2025, stating that the Appellants had failed to notify the Court of the status of the transcript in this matter or serve to serve and file their Initial Brief and

Designation of Matter to be Included in the Record on Appeal pursuant to Rules 207 and 208, SCACR. However, the Appellants assert that they have endeavored to obtain the transcript in this matter and notify the Court of the same.

The trial of this case occurred on June 3, June 4, and June 5, 2024, and each day had a different court reporter. The Appellants electronically requested a copy of the transcripts from all three (3) court reporters, on March 18, 2025, using Court Administration's online system. Counsel for the Appellants received correspondence from the Court concerning the transcripts on May 20, 2025, and responded to the same on June 2, 2025. On July 20, 2025, the Appellants received the transcript for June 5, 2024. After receiving several extensions from the Court, the court reporter for June 4, 2024, provided the Appellants with the transcript for that date on October 26, 2025.

The Appellants still have not received the transcript for June 3, 2024. The court reporter for said date confirmed receipt of the request on June 2, 2025. Counsel for the Appellant realized that he had not yet received the same on November 25, 2025, and he sent an e-mail to said court reporter on that same date. Counsel for the Appellant copied Court Administration and Counsel for the Respondent on said e-mail, but he inadvertently failed to send a copy of said e-mail to the Court. A copy of said e-mail is attached to this Memorandum as Exhibit A. Counsel for the Appellant is sending another e-mail request to the court reporter simultaneously with the filing of this Memorandum, and a copy of the same is attached as Exhibit B.

Counsel for the Appellant further apologizes for the Court for his failure to respond to the Court's e-mail dated December 2, 2025. Counsel for the Appellant had secure leave from December 1, 2025 through December 12, 2025. Due to being out of the office for these two (2) weeks, he regrettably failed to respond to the Court's e-mail prior to the issuance of the Order of

Dismissal on December 16, 2025. Counsel for the Appellant understands that he should have been more diligent in responding to correspondence, even while on secure leave, but he respectfully requests that the Court not punish the Appellants for his oversight.

December 30, 2025

s / G. Lee Cole, Jr.

G. Lee Cole, Jr.

SC Bar Number 100352

COX & COLE, ATTORNEYS AT LAW

P.O. Box 315

Williamston, SC 29697

Tel. (864) 847-9289

Fax (864) 847-7895

LeeCole@CoxandCole.com

Attorney for the Appellants



Lee Cole <gleecolejr@gmail.com>

Transcript Request: Brock Landscape vs Clyde Abernathy

Lee Cole <LeeCole@coxandcole.com>

Tue, Nov 25, 2025 at 3:29 PM

To: Velvet Mills <vmills@legaleagleinc.com>

Cc: Transcripts <transcripts@sccourts.org>, Josh Raffini <jraffini@pruittandpruitt.com>

Velvet:

I hope you are doing well. It does not appear that I ever received this transcript. I just wanted to confirm with you that I had not missed it and you were not waiting on anything from me in order to complete it.

Thanks,

Lee Cole

--

G. Lee Cole, Jr., Esq.

COX & COLE, ATTORNEYS AT LAW

32 E. Main Street

P.O. Box 315

Williamston, SC 29697

Tel. (864) 847-9289 Fax (888) 588-3142

LeeCole@CoxandCole.com

CONFIDENTIAL & PRIVILEGED COMMUNICATION

Unless otherwise indicated, the information contained in this message is attorney-client privileged and confidential information/work product. The communication is intended for the use of the individual or entity named above. If the reader of this transmission is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error or are not sure whether it is privileged, please immediately notify us by return e-mail and destroy any copies, electronic, paper or otherwise, which you may have of this communication.

[Quoted text hidden]



Lee Cole <gleecolejr@gmail.com>

Transcript for Brock Landscape Contractors, LLC v. Clyde E. Abernathy (2025-000455)

1 message

Lee Cole <LeeCole@coxandcole.com>

Tue, Dec 30, 2025 at 4:27 PM

To: Velvet Mills <vmills@legaleagleinc.com>

Cc: Transcripts <transcripts@sccourts.org>, info@legaleagleinc.com, Josh Raffini <jraffini@pruittandpruitt.com>, ctappfilings@sccourts.org

Velvet:

I still have not received the transcript in this matter. Please advise as to its status.

Thanks,

Lee Cole

--

G. Lee Cole, Jr., Esq.

COX & COLE, ATTORNEYS AT LAW

32 E. Main Street

P.O. Box 315

Williamston, SC 29697

Tel. (864) 847-9289 Fax (888) 588-3142

LeeCole@CoxandCole.com

CONFIDENTIAL & PRIVILEGED COMMUNICATION

Unless otherwise indicated, the information contained in this message is attorney-client privileged and confidential information/work product. The communication is intended for the use of the individual or entity named above. If the reader of this transmission is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error or are not sure whether it is privileged, please immediately notify us by return e-mail and destroy any copies, electronic, paper or otherwise, which you may have of this communication.

RECEIVED

Dec 30 2025

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM ANDERSON COUNTY
Court of Common Pleas

The Honorable J. Cordell Maddox, Circuit Court Judge

Appellate Case No. 2025-000455

Brock Landscape Contractors, LLC d/b/a Brock Landscape,
Respondent,

v.

Clyde E. Abernathy, Sharon M. Abernathy, and Michael L. Abernathy, individually, and
Michael L. Abernathy d/b/a Abernathy Welding & Sandblasting,
Appellants,

AND

Michael L. Abernathy d/b/a Abernathy Welding & Sandblasting,
Appellant,

v.

William Harold Brock, Jr.,
Respondent.

PROOF OF SERVICE

I certify that I have served the Motion to Reinstate Appeal, Memorandum in Support of
Motion to Reinstate Appeal, and exhibits to the same on Joshua B. Raffini, Esq., Attorney for the
Respondents, by e-mailing copies to him at jraffini@pruittandpruitt.com on December 30, 2025.

December 30, 2025

s / G. Lee Cole, Jr.

G. Lee Cole, Jr.

SC Bar Number 100352

COX & COLE, ATTORNEYS AT LAW

P.O. Box 315

Williamston, SC 29697

Tel. (864) 847-9289

Fax (864) 847-7895

LeeCole@CoxandCole.com

Attorney for the Appellants



Lee Cole <gleecolejr@gmail.com>

Brock Landscape Contractors, LLC v. Clyde E. Abernathy (2025-000455)

1 message

Lee Cole <LeeCole@coxandcole.com>
To: Josh Raffini <jraffini@pruittandpruitt.com>

Tue, Dec 30, 2025 at 4:35 PM

Josh:

Please find attached the Motion to Reinstate Appeal, Memorandum in Support of Motion to Reinstate Appeal, and exhibits to the same. I am electronically filing these documents today with the Court of Appeals.

Thanks,

Lee






--

G. Lee Cole, Jr., Esq.
COX & COLE, ATTORNEYS AT LAW
32 E. Main Street
P.O. Box 315
Williamston, SC 29697
Tel. (864) 847-9289 Fax (888) 588-3142
LeeCole@CoxandCole.com

CONFIDENTIAL & PRIVILEGED COMMUNICATION

Unless otherwise indicated, the information contained in this message is attorney-client privileged and confidential information/work product. The communication is intended for the use of the individual or entity named above. If the reader of this transmission is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error or are not sure whether it is privileged, please immediately notify us by return e-mail and destroy any copies, electronic, paper or otherwise, which you may have of this communication.

5 attachments

-  **Motion to Reinstate Appeal.pdf**
80K
-  **Memo in Support of Motion to Reinstate.pdf**
100K
-  **Exhibit B to Memo - E-Mail to Court Reporter dated 12-30-2025.pdf**
150K
-  **Exhibit A to Memo - E-Mail to Court Reporter dated 11-25-2025.pdf**
178K
-  **Proof of Service--Motion to Reinstate and Memo.pdf**
81K