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SC Court of Appeals

IN THE SOUTH CAROLINA COURT OF APPEALS

**APPEAL FROM WILLIAMSBURG COUNTY
COURT OF COMMON PLEAS**

The Honorable S. Bryan Doby, Circuit Court Judge

Appellate Case No. 2026-001879

Rogelio A. Smith,

Respondent,

v.

Emily T. McClary and Jawran Arthur,

Appellants.

MOTION FOR LEAVE TO ORDER TRANSCRIPTS OUT OF TIME

Appellants, through undersigned counsel, respectfully move this Court, pursuant to Rules 207(a)(1) and 263(b), SCACR, for leave to order the transcripts necessary for this appeal outside the ten-day period prescribed by Rule 207(a)(1). In support of this motion, counsel states as follows:

The transcripts necessary for this appeal include the transcript of the hearing held on April 17, 2026, before the Honorable S. Bryan Doby, and the transcript of the hearing on the motion for reconsideration held by WebEx on July 21, 2026.

Due to counsel's unusually demanding litigation schedule, the deadline for ordering the transcripts was inadvertently overlooked. The failure to submit the transcript request within the prescribed period resulted from an inadvertent calendaring and administrative oversight and was not willful or undertaken for purposes of delay.

The transcripts were requested on September 14, 2026, and the transcript request was provided to the Office of Court Administration. The identity of the court reporter for the April 17, 2026 hearing has not yet been determined despite counsel's inquiry with the lower court. A copy of the transcript request form is attached for the Court's records.

The requested transcripts are necessary for the preparation and presentation of the issues on appeal. Because the transcripts have now been requested and remain in the process of being identified and prepared, permitting the request out of time will allow the appeal to proceed upon a complete and accurate record.

No party will be prejudiced by the requested relief. This motion is made in good faith and not for the purpose of delay.

WHEREFORE, Appellants respectfully request that this Court grant this motion and provide such other and further relief as the Court deems just and proper.

Respectfully submitted,

THE SINGLETARY GROUP, LLC

By: s/Reagan Singletary
Reagan Singletary
297 South Metts Street
St. George, South Carolina 29477
Telephone: 803-552-6957
Email: reagan@thesingletarygroup.com
Attorney for Appellants

September 14, 2026
Columbia, South Carolina