

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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SEP 19 2014

**SC Court of Appeals**

13584

APPEAL FROM BEAUFORT COUNTY  
Court of Common Pleas

J. Ernest Kinard, Jr., Circuit Court Judge

Case No. 2007-CP-07-2373

Matthew S. McAlhaney, ..... Respondent,

v.

Richard K. McElveen a/k/a Richard  
K. McElveen, Sr.; Individually and  
d/b/a Battery Creek Marina, The Great  
Pumpkin, LLC, Linda McElveen, Richard  
K. McElveen, Jr., and Billy Joe Byrd, ..... Defendants,

of whom Richard K. McElveen, Sr., is the ..... Appellant.

**MOTION TO EXPEDITE**

This motion is filed pursuant to Rule 240 (motions and petitions generally) of the South Carolina Appellate Court Rules. The purpose of this motion is to respectfully request that this matter be placed on the roster for decision at the next available term of court.

This appeal has been pending for an inordinate amount of time. The underlying trial occurred in January of 2010, and the notice of appeal was filed in July of that year.

A large source of the delay in perfecting this appeal was the fact that the court reporter lost a significant portion of the trial transcript. It was eight months before parties

learned that the transcript would be incomplete, and it took a great deal of additional time for the partial transcript to be delivered, for the parties to secure a remand, and for the parties to reconstruct the record. The briefing process did not begin until late last year. This was over 3 years after the appellant filed a notice of appeal.

The record on appeal and the appellant's final brief were filed earlier this month. As a result of these filings, this appeal is now fully-perfected and ready for adjudication. This was pursuant to the orders Chief Judge Few issued July 17, 2014 and August 15, 2014.

Candor requires mentioning that the respondent has filed a motion which requests that the Court reconsider its previous instructions that this case will move forward. But Rule 221(c) instructs that the Court will not rehear a motion unless the motion has the effect of finally deciding the party's appeal. It would therefore seem that this matter remains fully-perfected and ready for adjudication.

September 19, 2014

Respectfully submitted,



Blake A. Hewitt, SC Bar # 73674

John S. Nichols, SC Bar # 4210

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Attorneys for Appellant

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of whom Richard K. McElveen, Sr., is the ..... Appellant.

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**PROOF OF SERVICE**

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The undersigned hereby certifies that on the date indicated below she served counsel for the Respondent with a copy of the *Motion to Expedite* by mailing copies of the same by United States Mail with first class postage prepaid to the following address:

Robert V. Mathison, Jr., Esquire  
MATHISON & MATHISON  
Post Office Box 5271  
Hilton Head Island, South Carolina 29938

September 19, 2014  
Columbia, South Carolina



Erin Bridges



BLUESTEIN · NICHOLS · THOMPSON · DELGADO LLC  
ATTORNEYS AT LAW

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Kenneth Henry Dojaquez  
John Clarke Newton

OF COUNSEL  
O. Eugene Powell, Jr.

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SC Court of Appeals

**VIA HAND DELIVERY**

The Honorable Jenny Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

RE: Matthew S. McAlhaney v. Richard K. McElveen, Sr.  
Case Tracking No. 2010-167969

Dear Ms. Kitchings:

Please find enclosed for filing the original and seven (7) copies of a *Motion to Expedite* in this case. I have also enclosed a proof of service of this document on counsel for the Respondent and a check in the amount of \$25.00 for filing this motion. Please return the additional filed copy to me via our courier.

Thank you for your attention to this matter. If you have any questions or need any additional information, please do not hesitate to contact me.

Sincerely,

Erin Bridges

Paralegal to Blake A. Hewitt

BLUESTEIN, NICHOLS, THOMPSON &  
DELGADO, LLC

/emb

Enclosures

cc: Robert V. Mathison, Jr., Esquire