

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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SC Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Honorable R. Markley Dennis, Jr.

Case No. 2013-CP-10-7203

Nationwide Property & Casualty
Insurance Company,Appellant,

v.

Gary McCombs and
Ragan McCombs Albert,Respondents.

RETURN IN OPPOSITION TO
PETITION TO REINSTATE APPEAL

Pursuant to Rules 240 and 260, SCACR, Respondent Gary McCombs hereby opposes the Petition to Reinstate Appeal filed on behalf of the Appellant Nationwide Property & Casualty Insurance Company for the following reasons:

I. McCombs has never been properly served with the Petition to Reinstate Appeal.

As noted in the Certificate of Service, the Petition to Reinstate Appeal was served on the undersigned at "68 ½ Queen Street, Charleston, SC 29401." The undersigned, counsel of record for McCombs since April 10, 2014, does not practice at this address and in 32 years as a member of the Bar has never practiced at this address. Ragan McCombs Albert's Return in Opposition to Petition to Reinstate Appeal, which was received today, was the first notice of the petition to reinstate. A copy of the petition was then obtained from Albert's attorney. McCombs has never

been properly served with the petition to reinstate this appeal in accordance with Rule 240 (d), SCACR. Accordingly, McCombs requests that the petition be denied for failure of the Appellant to serve it in accordance with Rule 240 (d), SCACR.

II. The petition should be dismissed for failure to show “good cause” for reinstatement.

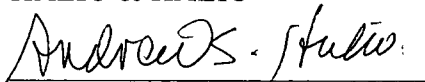
In addition to not serving the petition on McCombs, Appellant’s counsel failed to copy opposing counsel, this Court, and Court Administration with correspondence to the court reporters in accordance with Rule 207 (a) (1), SCACR. The last document received from Appellant was a copy of the Amended Notice of Appeal, which was filed with this Court and with the Circuit Court on September 3, 2014. Exhibits 1 and 2 to the petition show that Appellant’s counsel was corresponding with court reporters about the transcript for this case and not copying counsel and the Court in accordance with Rule 207 (a) (1). Had counsel complied with the rule, the current situation might have been avoided.¹ As such, and for the reasons set forth in the return filed by Ragan McCombs Albert, Appellant has not satisfied the “good cause” requirement of Rule 260, SCACR.

CONCLUSION

For the reasons stated above, the Respondent Gary McCombs requests that this Court deny Appellant’s Motion to Reinstate Appeal.

November 19, 2014

HALIO & HALIO



ANDREW S. HALIO

S.C. Bar No.: 2459

Post Office Box 747

Charleston, SC 29402-0747

(843) 577-5200

Attorneys for Respondent Gary McCombs

¹ Counsel for Appellant also failed to copy opposing counsel with Exhibit 3, correspondence to this Court dated September 16, 2014.

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November 19, 2014

13 NORTH ADGERS WHARF
CHARLESTON, SC 29401
E-MAIL: haliolaw@bellsouth.net

Via U.S. Mail
The Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
P. O. Box 11629
Columbia, SC 29211

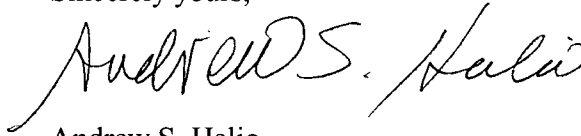
Re: Nationwide Property & Casualty
Insurance Company v. Gary McCombs and
Ragan McCombs Albert
Civil Action No: 2013-CP-10-7203 (Charleston)
Appellant No.: 2014-001907

Dear Ms. Kitchings:

Enclosed please find an original and seven (7) copies of Respondent Gary McCombs' Return in Opposition to Appellant's Petition to Reinstate Appeal, and the original and one copy of the Proof of Service in the above-referenced matter. Please file the originals and return a clocked copy to me in the enclosed envelope.

Thank you in advance for your time and attention.

Sincerely yours,



Andrew S. Halio

Enclosures

Cc: Trace Dillon, Esq.
Helen F. Hiser, Esq.
Robert R. Sansbury, III, Esq.

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PROOF OF SERVICE

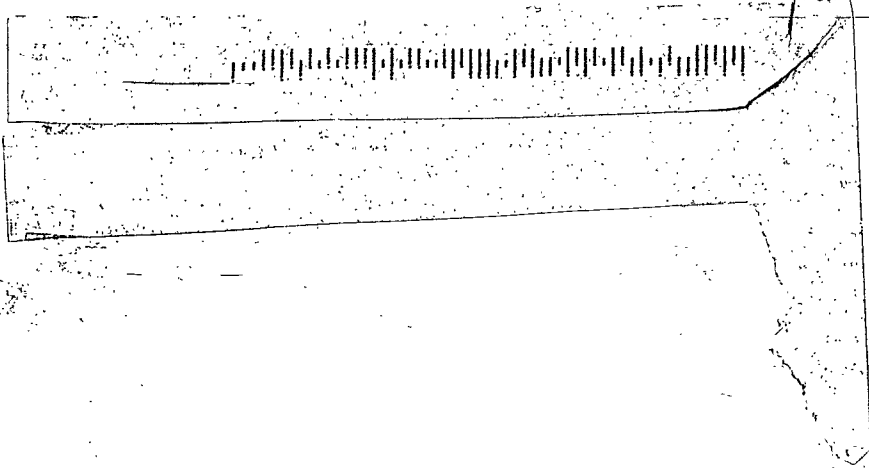
I certify that on November 19, 2014 I served the *Return in Opposition to Petition to Reinstate Appeal* on the other parties to this appeal by depositing a copy of it in the United States Mail, postage prepaid, addressed to counsel of record as follows:

Trace Dillon, Esq.
The Dillon Law Firm PC
1130 Hurricane Shoals Rd., Ste 600
Lawrenceville, GA 30043

Helen F. Hiser, Esq.
Robert R. Sansbury, III
McAngus, Goudelock & Courie LLC
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Mt. Pleasant, SC 29465



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CHARLESTON SC 294
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