The South Carolina Court of Appeals

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 a/k/a Richard K. McElveen, Sr. is the Appellant.

Appellate Case No. 2010-167969

ORDER

Appellant filed a motion to remand for reconstruction of the record in this case due to the parties' inability to secure a complete transcript of the trial proceedings. Appellant provided this Court with documentation from South Carolina Court Administration stating the court reporter responsible for recording the proceedings and production of the transcript is no longer employed by the judicial department and no additional portions of the trial transcript can be produced. Respondent filed a return, consenting to the motion to remand. This Court believes that remanding this case to the court of common pleas for the purpose of reconstructing the record is the appropriate remedy. Accordingly, this appeal shall be held in abeyance until a hearing reconstructing the trial proceedings occurs.

Joseph M. Curtis AJ

FOR THE COURT

FILED

Carter 8/13/12

Columbia, South Carolina

cc:
Blake Alexander Hewitt
John S. Nichols
Robert V. Mathison, Jr.