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THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

**RECEIVED**

JUL 06 2015

APPEAL FROM AIKEN COUNTY  
Court Of Common Pleas

SC Court of Appeals

The Honorable Doyet A. Early III, Circuit Court Judge

Case No: 2014-CP-02-00079  
Appellate Case No.: 2015-000732

James Loftis .....Respondent,

v.

J. Brooks Financial, Inc.; Brooks Real Estate Holdings, LLC; High Street Securities, Inc.; Matson Money, Inc.; Equity Institutional f/k/a Sterling Trust, A Division of Equity Trust Co.; and Jonathan Brooks,..... Defendants,

Of Whom Matson Money, Inc. is the .....Appellant.

MOTION TO REMAND TO RECONSTRUCT THE  
RECORD

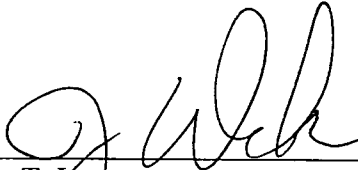
The undersigned, as attorneys for Appellant Matson Money, Inc. (hereinafter "Matson"), hereby move this Court, pursuant to Rule 240 of the South Carolina Appellate Court Rules, for an order remanding this matter to the circuit court for the limited purpose of reconstruction of the record. As evidenced by the undersigned's correspondence to the Clerk of Court on June 17, 2015 and the accompanying documents, attached hereto as Exhibit 1, the transcripts of hearings addressing Appellant's Motion to Stay and Compel Arbitration and Appellant's Motion for Reconsideration are unavailable. Appellant timely requested copies of the transcripts of

the hearings pursuant to the Appellate Court Rules, and the unavailability of the transcripts is not the fault of either party. This Court must have an adequate record on appeal in order to review the issues before it, and remand for the purposes of reconstruction is appropriate and necessary. *See, e.g., China v. Parrott*, 251 S.C. 329, 162 S.E.2d 276 (1968) (trial judge ordered reconstructed record where court reporter records were unavailable).

AND IT IS SO MOVED.

July 6, 2015

By: \_\_\_\_\_

  
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Curtis L. Ott  
Jessica A. Waller  
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P.O. Box 7368  
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**ATTORNEYS FOR APPELLANT**

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**ATTORNEYS FOR RESPONDENT**

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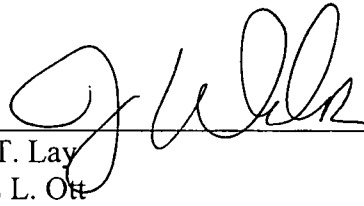
PROOF OF SERVICE

I certify that I served copies of Appellant Matson Money, Inc.'s Motion to  
Remand to Reconstruct the Record by United States mail, postage prepaid, addressed to:

Tom Young, Jr.  
Andrew Walden  
Law Offices of Tom Young, Jr., P.C.  
P.O. Box 651  
Aiken, SC 29802

July 6, 2015

By: \_\_\_\_\_



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July 6, 2015

**VIA HAND DELIVERY**

Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
1220 Senate Street  
Columbia, SC 29201

Re: *James Loftis v. J. Brooks Financial, Inc., et al.*  
Civil Action No.: 2014-CP-02-00079  
Appellate No.: 2015-000732  
GWB File No.: 8660-1

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SC Court of Appeals

Dear Ms. Kitchings:

Enclosed please find the original and six copies of Appellant's Motion to Remand to Reconstruct the Record in the above-referenced matter. As indicated in our communications to the court, the transcripts for the appealed hearings are not available. Respondent's counsel has been notified of the motion and is taking his consent thereto under advisement. However, in the interim, Appellant is filing to the Motion so that the matter can be addressed as expeditiously as possible.

We are also enclosing the order granting Mark G. Hanchet Pro Hac Vice to practice in South Carolina. Please let me know if you have any questions.

With kind regards, I am

Very truly yours,

Jessica A. Waller  
Direct Dial: 803-724-1722  
E-Mail: [jwaller@gwblawfirm.com](mailto:jwaller@gwblawfirm.com)

JAW/sm

Enclosures

Cc: Tom Young, Jr., Esq.  
Andrew Walden, Esq.