

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

R. Markley Dennis, Circuit Court Judge

Case No. 2015-002186

Donnell Mazyck, Appellant

v.

Alec Joseph Dales, Respondent

RECEIVED

DEC 29 2015

SC Court of Appeals

MOTION TO REINSTATE APPEAL

AND MOTION TO FILE NOTICE OF INTENT TO APPEAL OUT OF TIME

COMES NOW APPELLANT and does ask this court to reinstate the Appeal in the above-referenced case based on the following:

1. Judge R. Markley Dennis issued an Order that was filed on September 13, 2015.
2. Appellant filed a timely Notice of Intent to Appeal on September 24, 2015.
3. Appellant's counsel notified counsel for Respondent Trevor A. Cangelosi that the Notice of Intent to Appeal had been filed.
4. Appellant mailed the Notice of Intent to Appeal and Proof of Service to Respondent's counsel Trevor A. Cangelosi on October 14, 2015. The Notice of Intent to Appeal and Proof of Service were received by this Court after the ten day time period allowed by

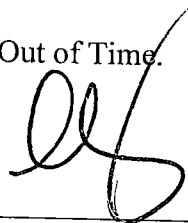
Appellate Court Rule 203(d)(1)(B).

5. On December 14, 2015, this Court dismissed the appeal based on the untimely filing of the Notice of Intent to Appeal.
6. Appellant would respectfully submit this Motion to the Court asking that the Appeal be reinstated under Appellate Court Rule 260, and asserts the following to support good cause to do so.
 - a. Appellant's counsel' has notified Respondent's attorney Trevor A. Cangelosi that this Motion has been filed and Proof of Service is attached to this Motion.
 - b. Appellant's counsel's secretary/ office manager was suffering from health issues during the time that the Notice of Intent to Appeal was filed. She had thyroid issues, but she was unaware of the extent of her medical condition in September and October and November of 2015.
 - c. Appellant's counsel secretary is no longer working in the office.
Unfortunately, despite efforts to keep the secretary in the office, it became apparent that she was not able to physically continue to work for Appellant's counsel.
 - d. Appellant's counsel relied on the secretary to mail the Notice of Intent to Appeal to this Court. The secretary did not mail the document in a timely manner.
 - e. The secretary did not inform Appellant's counsel that she had not completed the task as requested, therefore Appellant's counsel did not send a Motion to File Out of Time.
 - f. At this time, there is no one else working on the Appeal file except

Appellant's counsel.

- g. Appellant wishes to continue with his Appeal at this time. A Motion to Request transcript Out of Time has also been filed in this case. There has been no prejudice to the Respondent at this time.
- h. Respondent's counsel is not opposed to the Appeal being reinstated.

Appellant does respectfully request that the Court Grant this Motion to Reinstate Appeal and Allow Notice of Intent to Appeal to be filed Out of Time.



MELISA W. GAY
ATTORNEY FOR APPELLANT
P.O. BOX 2144
MT. PLEASANT, SC 29465
ATTORNEY FOR APPELLANT
DONNELL MAZYCK

Other counsel of record are:
Trevor A. Cangelosi
126 Seven Farms Dr. Ste. 200
Charleston, SC 29492
(843) 577-2026

FORM 7
PROOF OF SERVICE OF A NOTICE OF APPEAL

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

R. Markley Dennis, Circuit Court Judge

Case No. 2015-002186

DONNELL MAZYCK, APPELLANT

v.

ALEC JOSEPH DALES, RESPONDENT

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SC Court of Appeals

PROOF OF SERVICE

I certify that I have served the Motion to Reinstate Appeal and Motion to File Notice of Intent to Appeal Out of Time on Attorney Trevor A. Cangelosi by placing a copy of this Notice in the United States Mail. The Notice of Intent to Appeal was sent on December 23, 2015 to:

Other Counsel of Record
Trevor A. Cangelosi
Clawson and Staubes, LLC
126 Seven Farms Drive, Suite 200
Charleston, SC 29492
(843) 577-2026



MELISA W. GAY
ATTORNEY FOR APPELLANT
P.O. BOX 2144
MT. PLEASANT, SC 29465
ATTORNEY FOR DONNELL MAZYCK

December 23, 2015

Melisa W. Gay, LLC
Attorney and Counselor at Law

Melisa W. Gay

Post Office Box 2144
Mt. Pleasant, South Carolina 29465-2144

Office (843) 856-0580
Facsimile (843) 856-0590

October 24, 2015

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SC Court of Appeals

Via United States Mail

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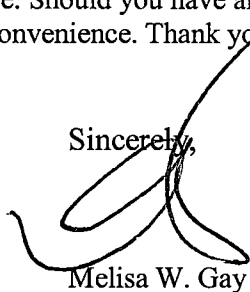
RE: Alec Joseph Dales v. Donnell Mazyck
Case No: 2015-002186

Dear Madam Clerk:

Please find enclosed an original and copy of the Motion to Reinstate Appeal and Motion to File notice of Intent to Appeal Out of Time and Proof of Service.

Upon filing, kindly return the certified copy to me in the self-addressed, stamped envelope that I have provided for your convenience. Should you have any questions or concerns, please do not hesitate to contact our office at your earliest convenience. Thank you for your attention to this matter.

Sincerely,



Melisa W. Gay

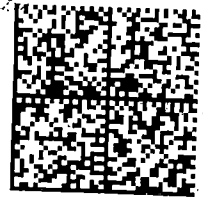
Enclosure

cc: Other Counsel of Record
Trevor A. Cangelosi
Clawson and Staubes, LLC
126 Seven Farms Drive, Suite 200
Charleston, SC 29492
(843) 577-2026

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