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**THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

APPEAL FROM RICHLAND COUNTY
IN THE COURT OF COMMON PLEAS
THE HONORABLE L. CASEY MANNING
CIRCUIT COURT JUDGE

CASE NO. 2015-002491

RECEIVED
JAN 11 2016
SC Court of Appeals

BAMAR, LLC,

Appellant

v.

Xiaolan Michelle Wang,

Respondent,

**MOTION TO STAY APPEAL OR DISMISS WITHOUT PREJUDICE
AND
MOTION TO ENLARGE TIME TO FILE APPELLANT'S INITIAL BRIEF
AND
DESIGNATION OF MATTER**

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Attorney for Appellant

The Appellant hereby moves for an Order to either:

1. Stay the time to perfect the appeal pending a hearing on the damages claim in the Counterclaim, or in the alternative
2. Dismiss the Appeal without prejudice and with leave to re-file after the hearing on the merits of the Counterclaim.

In either event, the Court is requested to enlarge the time for the Appellant to file its Initial Brief and Designation of Matter pending a decision on this motion.

This Motion is based upon the following:

HISTORY OF THE CASE

The Appellant brought this action to seek a judgment on rental payments and other obligations under the lease which it alleged were due and unpaid.

The Respondent answered and counterclaimed for damages for wrongful eviction loss of profits and conversion.

The Court granted summary judgment against the Plaintiff on October 2, 2015. The Court denied the Appellant's Motion to Reconsider on October 23, 2015. The Appellant received Notice of the order on November 2, 2015.

The Appellant served and filed its Notice of Appeal on December 2, 2015, and ordered the Transcript on December 3, 2015. The transcript was received on December 14, 2015, making the initial Appellant Brief due on January 13, 2016.

In its Order granting Summary Judgment, the Trial Court preserved the Counterclaim for a hearing on damages.

ARGUMENT

Appellant submits that it makes sense to either stay the perfection of the Appeal until all issues have been decided, or in the alternative, Appellant is willing to dismiss the Appeal without prejudice so long as the appeal can be re-filed when the entire case has been decided.


CONCLUSION

Either result would protect the appeal rights of the Appellant while also providing for judicial economy.

PRAYER

WHEREFORE, the undersigned requests:

1. That the Court extend the time to file the Respondent's Initial Brief pending a decision on this Motion
2. That the Court issue its Order either staying the time to perfect the appeal or dismissing the appeal without prejudice with leave to re-file once all issues have been decided.



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January 11, 2016

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PROOF OF SERVICE

I certify that I have served the Motion to Stay Appeal on the Respondent, Xiaolan Michelle Wang, by depositing a copy of it in the United States Mail, postage prepaid, on January 11, 2016, addressed to the attorney of record, John E. Schmidt, III, Esq. Schmidt & Copeland LLC P.O. Box 11547 Columbia, SC 29211



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January 11, 2016