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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

William H. Seals, Jr., Circuit Court Judge

RECEIVED

MAR 25 2016

SC Court of Appeals

Case No. 2014-CP-26-6000
Appellate Case No. 2016-000239

Benjamin J. Creel, individually and D/B/A G. J. Creel
And Sons, Inc., and Bucksville Farms, Inc. Appellants,

v.

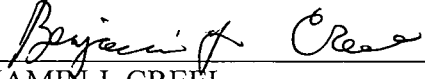
DDG Investments, LLC; Coastal Energy, LLC;
Southern Asphalt, Inc.; Coastal Energy of South
Carolina, LLC; and Donald Godwin, Respondents.

MOTION REQUESTING PERMISSION TO ORDER
TRANSCRIPT OUTSIDE OF THE FILING DEADLINES
SET BY RULE 207 OF THE SOUTH CAROLINA
APPELLATE COURT RULES

Appellants hereby request permission to order the transcript outside of the filing deadlines set by Rule 207 of the South Carolina Appellate Court Rules. A copy of the letter to the court reporter is attached to this Motion.

Due to medical issues that arose at the end of January, and a conflict with my working at the Gardner Law Firm, a law firm that Respondents have hired on other matters, I was required to

find another place to conduct my business and am currently in the process of relocating to another office.

By: 
BENJAMIN J. CREEL
Post Office Box 289
Conway, SC 29526-0289
843.455.5901
Attorney for Appellant

March 23, 2016

Other Counsel of Record:

Amanda A. Bailey
McNair Law Firm
Post Office Box 336
Myrtle Beach, SC 29577
843.444.1107

BENJAMIN J. CREEL

Post Office Box 289
Conway, South Carolina 29528-0289
(843) 455-5901

March 23, 2016

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MAR 25 2016

SC Court of Appeals

Mrs. Kay H. Richardson
Circuit Court Reporter
Post Office Box 282
Aynor, South Carolina 29511

Re: *Benjamin J. Creel, Individually, and d/b/a G. J. Creel and Sons, Inc., and Bucksville Farms, Inc., v. DDG Investments, LLC; Coastal Energy, LLC; Southern Asphalt, Inc.; Donald Godwin; and Coastal Energy of South Carolina, LLC* – Case No. 2014-CP-26-6000


Dear Mrs. Richardson:

On December 16, 2015, a Summary Judgment Motion was heard before the Honorable William H. Seals, Jr., Circuit Court Judge, in Horry County. My records indicate that you were the court reporter for this case.

I request that you provide me with a transcript of the proceedings.

I agree to pay the per page charge for this transcript, as provided by Rule 508, *South Carolina Appellate Court Rules*.

Sincerely,



Benjamin J. Creel

enclosures

cc: Mrs. Amanda A. Bailey
South Carolina Court Administration
Honorable Jenny Abbott Kitchings

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AFFIDAVIT OF BENJAMIN J. CREEL

Personally appeared before me BENJAMIN J. CREEL, who states as follows:

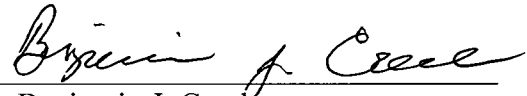
1. My name is Benjamin J. Creel and I am an Appellant in the above action.
2. The time has expired for ordering the transcript for a Summary Judgment Motion that was heard before the Honorable William H. Seals, Jr., on December 16, 2015, and the Appellant requests permission to order the transcript outside of the filing deadlines set by Rule 207 of the *South Carolina Appellate Court Rules*.

3. The Appellant has had health issues requiring hospitalization and is currently under treatment of Jonathan L. Dieter, Jr., M.D., as shown by the attached letter.

4. The Appellant has been conducting his work at the Gardner Law Firm in Conway, South Carolina, using their office equipment, internet connections, etc. The Respondents have retained the services of the Gardner Law Firm in a current case where the Appellant is a party. The Respondents have objected to the Appellant working at this firm, requiring him to seek other arrangements to conduct his business.

5. The Appellant is currently making these arrangements and due to the above, hereby requests permission to order the transcript outside of the Filing Deadlines set by Rule 207.

FURTHER the Affiant saith not.



Benjamin J. Creel

SWORN to before me this 23rd
day of March, 2016.

(L.S.)
Notary Public for South Carolina
My Commission expires: 12/04/2016

January 14, 2016

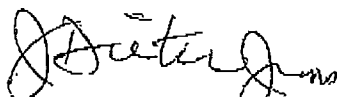
To Whom It May Concern:

My patient, Benjamin Creel, was admitted to the critical care unit at Conway Medical Center on Friday, January 8, 2016. His diagnosis was gastrointestinal bleeding and a duodenal ulcer. He was confined to the critical care unit until Sunday, January 10. He required blood transfusions and an endoscopy was performed on Saturday January 9, and the bleeding blood vessel in the ulcer was clamped.

This type of hospitalization and procedure results in significant weakness and an undetermined recovery period. Returning to full desk duty will depend on results of lab work to be done January 18, 2016. He is currently, upon my recommendation, recuperating at home with dietary restrictions and medication to allow for the healing of the gastrointestinal inflammation, ulcer and hemorrhage.

Please contact my office should you require further information.

Very Truly Yours,



Jonathan L. Dieter, Jr., MD

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PROOF OF SERVICE

I certify that I have served the Motion Requesting Permission To Order The Transcript Outside of the Filing Deadlines Set By Rule 207 of the South Carolina Appellate Court Rules and Affidavit of Benjamin J. Creel on Respondents by depositing a copy of it in the United States Mail, postage prepaid, on March 23, 2016, addressed to the attorney of record, Amanda A. Bailey, Post Office Box 336, Myrtle Beach, South Carolina 29577.

By: *Benjamin J. Creel*

BENJAMIN J. CREEL
Post Office Box 289
Conway, SC 29526-0289
843.455.5901
Attorney for Appellants

March 23, 2016.

B

BENJAMIN J. CREEL

Post Office Box 289
Conway, South Carolina 29528-0289
(843) 455-5901

March 23, 2016

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SC Court of Appeals

Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post office Box 11829
Columbia, South Carolina 29211

Re: *Benjamin J. Creel, Individually, and d/b/a G. J. Creel and Sons, Inc., and Bucksville Farms, Inc., v. DDG Investments, LLC; Coastal Energy, LLC; Southern Asphalt, Inc.; Donald Godwin; and Coastal Energy of South Carolina, LLC* – Case No. 2014-CP-26-6000

Dear Mrs. Kitchings:

appellate # 2016-000239

Please find enclosed the following:

- Original and six (6) copies of Motion Requesting Permission To Order The Transcript Outside of the Filing Deadlines Set By Rule 207 of the South Carolina Appellate Court Rules with letter to Kay H. Richardson, Court Reporter;
- Original and six (6) copies of Affidavit of Benjamin J. Creel;
- Proof of Service; and
- Filing fee in the amount of \$25.

Sincerely,



Benjamin J. Creel

enclosures

cc: Mrs. Amanda A. Bailey
South Carolina Court Administration

Benjamin J. Creel
P. O. Box 289
Conway, SC 29528-0829

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Clerk, S. C. Court of Appeals
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