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THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM CHARLESTON COUNTY
COURT OF COMMON PLEAS

The Hon. J.C. Nicholson, Jr., Circuit Court Judge

RECEIVED

APR 25 2016

SC Court of Appeals

CASE NO. 2016- 000424

C. GORDON LOVINGOOD, JR., C3 INVESTMENTS, INC., and PPC12, LLC

Appellants,

v.

VICTOR APAT, ANTHONY MCALLISTER, J. ERIC WADE d/b/a CT TOURING,
and PEARL CO. SC, LLC, Defendants, of whom,

ANTHONY MCALLISTER; J. ERIC WADE d/b/a CT TOURING;
and PEARL CO. SC, LLC are

Respondents.

MOTION TO ORDER TRANSCRIPT
OUT OF TIME

APPELLANTS C. GORDON LOVINGOOD, JR., C3 INVESTMENTS, INC., and PPC12, LLC hereby move this Honorable Court, pursuant to Rule 263(b), SCACR, for permission to Order the Transcript of the proceeding below Out of Time.¹ In support of this Motion, Appellants respectfully aver before the Court as follows:

Appellants filed and served their Notice of Appeal in this matter on March 2, 2016. On March 31, 2016, undersigned counsel realized that he had neglected to order the transcript within ten days as required by Rule 207(a)(1), and inquired as to the identity of the court reporter. See Exhibit A. When the clerk's office responded with the name of the reporter on April 4, 2016, the undersigned ordered the transcript. See Exhibit B. On April 14, 2016, the reporter transmitted payment instructions by email. See Exhibit C. On April 20, 2016, the undersigned received this Court's official notice of his error, dated April 13, 2016. That letter requested information as to the ordering transcript and informed the undersigned that this Motion would be required to prevent dismissal of the Appeal. See Exhibit D. The undersigned transmitted payment for the transcript on April 22, 2016. See Exhibit E.

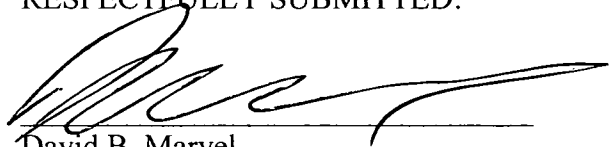
The undersigned regrets not having complied with Rule 207(a)(1) by failing to order the transcript within 10 days of filing and serving the Notice of Appeal. Appellants submit to the court that this error was not made in bad faith, and note that the undersigned attempted to rectify the error both by remedying it in a prompt manner and by offering to pay an additional fee to the reporter to expedite the transcript. See Exhibit B. Further, as the court reporter estimated that the transcript would be 50 pages, presumably it will be

¹ The undersigned attempted to confer with Respondents' counsel by email on April 22, 2016, requesting that Respondents consent to this motion, but has not yet received a response.

received well before the expiration of the 60 days allotted to the reporter, and no party to the appeal will have suffered prejudice as a result of counsel's error. See Exhibit C. Accordingly, appellants submit that there is good cause to allow the ordering of the transcript out of time, and to allow this Appeal to proceed.

For the reasons stated herein, Appellants respectfully request that this Honorable Court GRANT this motion, and allow Appellants permission to Order the Transcript out of time.

RESPECTFULLY SUBMITTED:



David B. Marvel
P.O. Box 22734
Charleston, South Carolina 29413
Ph. (843) 853-4877
Fax (843) 380-3025
Email: dave@marvel.lawyer
ATTORNEY FOR THE APPELLANTS

Charleston, South Carolina
April 23, 2016

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THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM CHARLESTON COUNTY
COURT OF COMMON PLEAS

The Hon. J.C. Nicholson, Jr., Circuit Court Judge

Civil Action No.: 2015-CP-10-5080

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APR 25 2016

SC Court of Appeals

C. GORDON LOVINGOOD, JR., C3 INVESTMENTS, INC., and PPC12, LLC

Appellants,

v.

VICTOR APAT, ANTHONY MCALLISTER, J. ERIC WADE d/b/a CT TOURING,
and PEARL CO. SC, LLC, Defendants, of whom,

ANTHONY MCALLISTER; J. ERIC WADE d/b/a CT TOURING;
and PEARL CO. SC, LLC are

Respondents.

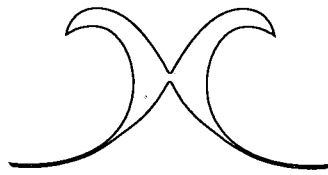
Certificate of Service

The undersigned hereby certifies that on this Twenty-Third day of April, 2016, I served respondents' counsel with the foregoing Motion by email and by mailing a copy to their counsel, Trudy H. Robertson and Brandon Gaskins, by U.S. Mail, postage prepaid, at the following address:

Moore Van Allen
78 Wentworth Street
Charleston, South Carolina 29401



David B. Marvel



DAVID B. MARVEL

Attorney at Law • Proctor in Admiralty
Certified Civil and Federal Court Mediator
Admitted to Practice in South Carolina and Georgia

www.marvel.lawyer

April 23, 2016

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APR 25 2016
SC Court of Appeals

VIA FEDERAL EXPRESS

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

Re: C. Gordon Lovingood, Jr. v. Victor Apat
Case No. 2016-000474

Dear Ms. Kitchings,

I hope this letter finds you well. Pursuant to your letter of April 13, 2016, I have enclosed copies of my correspondence with court reporter Amanda Haffenden, an Original and Six Copies of my Motion to Order the Transcript out of time, and my firm's Check No. 2553 for the \$25 filing fee. Thank you for your consideration of these matters.

Please return a clocked copy of the Motion to me in the envelope provided. If you have any questions, comments, or concerns, please do not hesitate to contact me at any time. With best regards, I remain

Sincerely,



David B. Marvel

/DBM

Enclosures

Cc: Brandon Gaskins, Attorney for the Respondents

ORIGIN ID:CHSA (843) 853-4877
DAVID MARVEL
MARVEL ET AL, LLC
49 CALHOUN STREET
SUITE A
CHARLESTON, SC 29401
UNITED STATES US

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SC COURT OF APPEALS
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COLUMBIA SC 29201

(803) 734-1890

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Express



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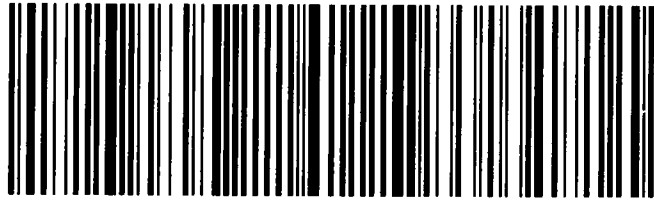
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APR 25 2018

SC Court of Appeals

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