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THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM LANCASTER COUNTY
COURT OF COMMON PLEAS

Robert W. Davis, Special Referee

Appellate Case No. 2012-212625

Mamie Sue Knight a/k/a Mamie
Sue Cauthen, Plaintiff and Warren
M. Knight, Third Party Defendant

Appellants,

v.

Charles R. Cauthen, Defendant
and Third Party Plaintiff

Respondent.

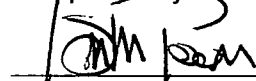
MOTION FOR NEW TRIAL

Appellants move to have this cause reinstated upon the docket of the circuit court to be heard as a original cause. The basis for this motion is that the record of the trial has been effectively lost or destroyed by the effects of the passage of time upon the recorded media, thereby making it impossible to report the evidence to the appellate court for appellate review.

See attached letter from Dallas Reporting, Inc. to V. Claire Allen, Esq. Deputy Clerk of Court, dated September 26, 2012.

Ballard v. Caston, Harp. Eq. 90 (S.C. 1824). 13 A.L.R. 102 "Inability to perfect record for appeal as ground for new trial" (1921) and 57 A.L.R.4th 1049 "Court reporter's death or disability prior to transcribing notes as grounds for reversal or new trial" (1987).

Respectfully submitted.



Bruce M. Poore
Post Office Box 11808
Rock Hill, SC 29731
(803)366-6611
Attorney for Appellants

October 4, 2012
Rock Hill, South Carolina

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OCT 10 2012

SC Court of Appeals

DALLAS REPORTING, INC.
Serving the Carolinas For Over 25 Years

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Toll Free 1-877-871-6363
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September 26, 2012

COPY

V. Claire Allen, Esq.
Deputy Clerk, Court of Appeals
1015 Sumter St.
Suite 200
Columbia, SC 29201

Re: Mamie Sue Knight, a/k/a Mamie Sue Cauthen -vs- Charles R.
Cauthen -vs- Warren M. Knight
Case No. 2002-CP-29-113

Dear Ms. Allen:

We have received a request from Bruce M. Poore, Esq., to provide a transcript of hearing that was held in the above-entitled matter in 2006.

Since no transcript was requested at the time of the hearing, the recorded media has been in storage for six years. Upon review of same, we are unable to provide a transcript due to deterioration of the recorded media.

Sincerely,

Dallas Reporting, Inc.
Shirley Dallas-Gerrald, CVR-CM
Nationally Certified Court Reporter

cc: Bruce M. Poore, Esq.

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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM LANCASTER COUNTY
COURT OF COMMON PLEAS

Robert W. Davis, Special Referee

Case No. 2002-CP-29-113
Appellate Case No. 2012-212695

Mamie Sue Knight a/k/a Mamie
Sue Cauthen,

Appellant,

v.

Charles R. Cauthen,

Respondent,

v.

Warren M. Knight,

Appellant

CERTIFICATE OF SERVICE

I hereby certify that on October 5, 2012, I served, by placing in the United States Mail, postage prepaid, delivery upon the person named below, at the address below, Motion for New Trial, pertaining to the above-referenced case.

Francis L. Bell, Jr
Francis Bell Law Firm, LLC
Post Office Box 867
Lancaster, SC 29721



October 5, 2012
Rock Hill, South Carolina

Bruce M. Poore
Attorney at Law, P.A.

PHONE (803) 366-6611
FAX (803) 366-2820

306 WEST OAKLAND AVENUE
ROCK HILL, SOUTH CAROLINA 29730

POST OFFICE BOX 11808
ROCK HILL, SC 29731

EMAIL bmpoore@comporium.net

October 5, 2012

Clerk of Court
South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

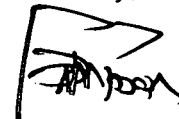
RE: Mamie Sue Knight, a/k/a Mamie Sue Cauthen vs. Charles R. Cauthen v. Warren
M. Knight
Appellate Case No. 2012-212625

Dear Clerk of Court:

I am enclosing the original and six copies of my Motion for a New Trial in the above case.

I am also enclosing a certificate of mailing to opposing counsel, Francis L. Bell, Jr.

Sincerely,



Bruce M. Poore

BMP/hp
Enclosures
cc: Frances L. Bell, Jr
Mamie Sue Knight

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OCT 10 2012
SC Court of Appeals