

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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SC Court of Appeals

APPEAL FROM CHARLESTON COUNTY
COURT OF COMMON PLEAS

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

CASE NO. 2016-000474

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 SERVE THE RECORD OUT OF TIME

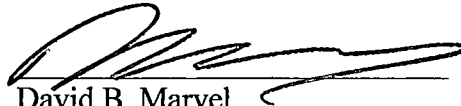
David B. Marvel
P.O. Box 22734
Charleston, South Carolina 29413
Ph. (843) 853-4877
Fax (843) 380-3025
Email: dave@marvel.lawyer

COME NOW APPELLANTS, through undersigned counsel, who hereby respectfully request Leave from this Honorable Court to allow service of the Record on Appeal out of time.

The undersigned inadvertently failed to serve the Record on Appeal in accordance with Rule 210, SCACR. This occurred because the undersigned incorrectly re-calendared the deadline for serving the Record on Appeal after this Court granted Appellants' Motion for an Extension of Time to file their Initial Reply Brief. The Record on Appeal had been previously prepared, and Appellants served the Record on appeal yesterday, September 19, 2016.

The undersigned regrets his error and respectfully requests that this Honorable Court find good cause to allow service of the Record on Appeal out of time, as the error was not made in bad faith or in an attempt to delay the proceedings. Should the Court allow this filing, the Final Briefs of the parties would be due on or before October 10, 2016.

RESPECTFULLY SUBMITTED:



David B. Marvel
P.O. Box 22734
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Charleston, South Carolina
September 20, 2016

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COURT OF COMMON PLEAS

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

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and PEARL CO. SC, LLC, Defendants, of whom,

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Respondents.

CERTIFICATE OF SERVICE

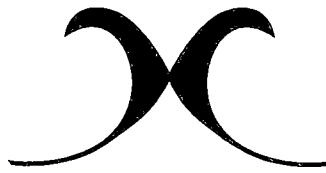
The undersigned hereby certifies that on the Twentieth day of September, 2016, he served respondents' counsel with Appellants' Motion to Serve the Record Out of Time, by U.S.

Mail, postage pre-paid, as follows:

Brandon Gaskins
Moore Van Allen
78 Wentworth Street
Charleston, South Carolina 29401


David B. Marvel

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SC Court of Appeals



DAVID B. MARVEL

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

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September 20, 2016

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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. I have enclosed an Original and six copies of a Motion to Serve the Record Out of Time, pursuant to your letter of September 14, 2016, along with the filing fee. I have also enclosed the envelope I was preparing to place in yesterday's mail when I received your letter, which contains the Certificate of Counsel required by Rule 210(a) and (g).

Thank you for your consideration of this matter. If you have any questions, concerns, or comments please do not hesitate to contact me at any time. With best regards, I remain

Sincerely,

David B. Marvel

DBM/ad
Cc: Brandon Gaskins



49 Calhoun Street, Suite A
Charleston, South Carolina 29401



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SC Court of Appeals

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UNITED STATES US

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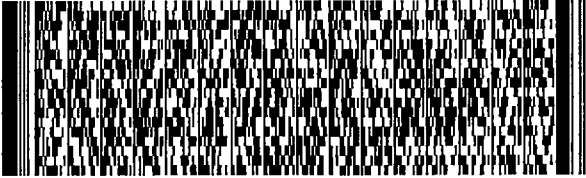
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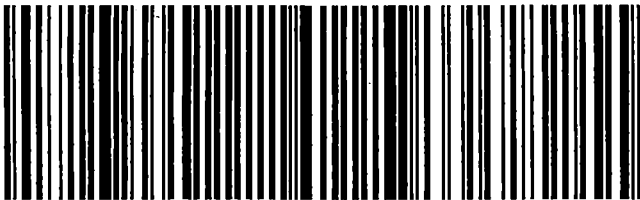
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SC Court of Appeals

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