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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

Marvin H. Dukes, III, Master-In-Equity and Special Circuit Court Judge
Carmen T. Mullen, Circuit Court Judge

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FEB 10 2017

SC Court of Appeals

Case No. 2015-CP-07-1251

Robert E. Feldman and Lois J. Feldman. Appellants,

vs.

Gary P. Coggin, Respondent.

**APPELLANTS' MOTION TO REMAND
TO THE COURT OF COMMON PLEAS**

Thomas A. Pendarvis (SC Bar # 064918)
Christopher W. Lempeis, Jr. (SC Bar #77012)
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Counsel for Appellants, Robert E. Feldman and
Lois J. Feldman

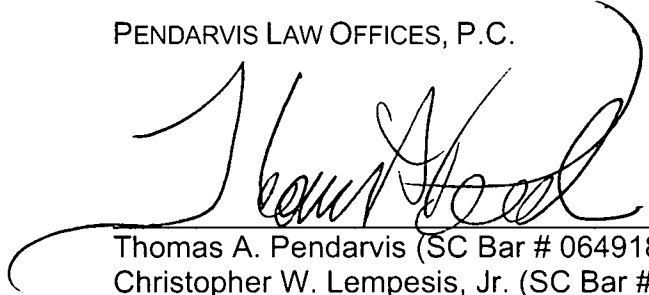
MOTION

Pursuant to Rules 220 and 240, SCACR, Appellants, Robert E. Feldman and Lois J. Feldman, respectfully move this Court to remand this case to the Beaufort County Court of Common Pleas with instructions that the trial court enter an Order as to an outstanding Motion for Leave to Amend. Rule 220(a), SCACR, provides that this Court may remand any issue for further proceedings. Rule 58, SCRCR, requires that the trial court enter a written order when a Motion has been filed. In the underlying case subject of this appeal, the trial court refused to enter an Order on Plaintiffs' motion to amend their complaint prior after a hearing was held on the motion and prior to another judge issuing an Order granting Respondent's motion for summary judgment. A written order, of whatever result, whether denying or granting Appellants leave to amend their Complaint filed in the Court of Common Pleas is needed for the present appeal. In support of this motion, pursuant to Rule 240(c)(3), where the Record on Appeal or Appendix has not been filed, or where the facts relied upon in support of the motion are not contained in the Record on Appeal or Appendix, Appellants file herewith an affidavit and other documents in support of their position.

WHEREFORE, Appellants, Robert E. Feldman and Lois J. Feldman, respectfully request this Court issue an Order remanding this case to the Beaufort County Court of Common Pleas with instruction that an Order shall be entered disposing of the outstanding Motion for Leave to Amend filed by Appellants.

Respectfully submitted,

PENDARVIS LAW OFFICES, P.C.

A handwritten signature in black ink, appearing to read "Thomas A. Pendarvis", written over a horizontal line. The signature is fluid and cursive, with a large loop at the end.

Thomas A. Pendarvis (SC Bar # 064918)
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Beaufort, South Carolina

February 8, 2017

THE STATE OF SOUTH CAROLINA
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PROOF OF SERVICE

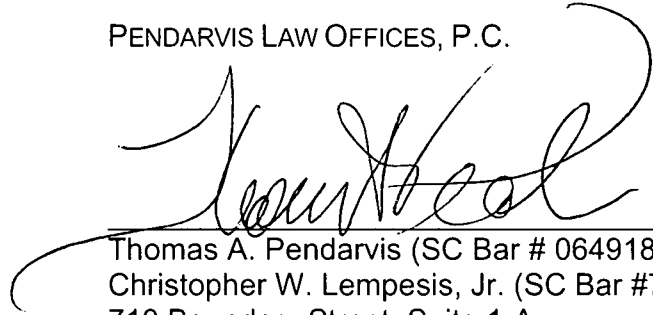
I, Thomas A. Pendarvis, a lawyer with PENDARVIS LAW OFFICES, P.C., certify that I have served one (1) copy of the MOTION TO REMAND and APPELLANTS' RULE 240(C)(3) AFFIDAVIT on counsel for Respondent, by depositing a copy of the same in the United States Mail, postage prepaid, on the 8th day of February, 2017 addressed to:

M. Dawes Cooke, Jr., J.D.
Jeffery M. Bogdan, J.D.
BARNWELL, WHALEY, PATTERSON & HELMS, LLC
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Counsel for Respondent, Gary P. Coggin

Respectfully submitted,

PENDARVIS LAW OFFICES, P.C.

A handwritten signature in black ink, appearing to read "Tom Pendarvis", written over a horizontal line.

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