

**THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

Appeal from the Circuit Court of Charleston County, South Carolina

Honorable J.C. Nicholson, Jr., Circuit Court Judge

Civil Case No. 016-CP-10-1022

Appellate Case No. 2016-002130

Robin S. Forman, as Personal Representative of the Estate of Burton J. Apat

Respondent,

-v-

National Dental Systems, LLC, d/b/a DentalSmart

Appellant.

**MOTION REQUESTING PERMISSION
TO FILE RECORD ON APPEAL**

RECEIVED

JUN 29 2017

SC Court of Appeals

Paul A. Dominick, Esquire
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Stephen P. Groves, Sr., Esquire
S.C. Bar No.: 007854
Alexandra H. Austin, Esquire
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*Attorneys for the Appellant,
National Dental Systems, LLC, d/b/a DentalSmart*

TO: THE HONORABLE JUDGES OF THE SOUTH CAROLINA COURT OF APPEALS:

NOW COMES the Appellant, National Dental Systems, LLC, d/b/a DentalSmart (“DentalSmart”), pursuant to Rule 240 of the South Carolina Appellate Court Rules, and respectfully requests the Court of Appeals to grant permission to file the Record on Appeal outside of the filing deadlines set by Rule 210 of the South Carolina Appellate Court Rules. The basis for this motion is that, through inadvertence of counsel for the Appellant the deadline was missed for filing the Record on Appeal.

The Appellant has requested consent from counsel for the Respondent but they have not yet responded to this request.

Respectfully submitted:



Paul A. Dominick, Esquire
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Attorneys for the Appellant,
National Dental Systems, LLC, d/b/a
DentalSmart

June 27, 2017

Charleston, South Carolina

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Honorable J.C. Nicholson, Jr., Circuit Court Judge

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PROOF OF SERVICE

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*Attorneys for the Appellant,
National Dental Systems, LLC, d/b/a DentalSmart*

I, Paul A. Dominick, hereby certify that on June 27, 2017, served one copy of the **MOTION REQUESTING PERMISSION TO FILE RECORD ON APPEAL** submitted by the Appellant, National Dental Systems, LLC, d/b/a DentalSmart, upon counsel for the Respondent via the United States Mail, postage pre-paid, and addressed as follows:

Mark A. Mason, Esquire
Salah H. Hibri, Esquire
THE MASON LAW FIRM, P.A.
Tidewatch Centre on Shem Creek
465 West Coleman Blvd., Suite 302
Mount Pleasant, South Carolina 29464
Telephone: 843.884.1444

*Attorneys for Respondent,
Robin S. Forman, as Personal Representative
of the Estate of Burton J. Apat,*



Paul A. Dominick
NEXSEN PRUET, LLC

Charleston, South Carolina

June 27, 2017

Paul A. Dominick
Member
Admitted in SC

June 27, 2017

The Honorable Jenny A. Kitchings
Clerk of Court
1220 Senate Street
Columbia, South Carolina 29201

**Re: *Robin S. Forman, as personal representative of the Estate of
Burton J. Apat vs. National Dental Systems, LLC d/b/a DentalSmart
Appeal from the Charleston County Court of Common Pleas
Case Action No. 2016-CP-10-1022
Appellate Case No. 2016-002130***

Dear Madam Clerk:

This will acknowledge your letter dated June 19, 2017, regarding the above-referenced appellate matter. Unfortunately, when the reply brief was received the time for the Record on Appeal was not calendared, as it should have been. I certainly apologize for this inadvertent oversight.

In addition, enclosed please find the original and seven copies of Motion Requesting Permission to File Record on Appeal in this matter. I also enclose a Proof of Service indicating service of the Motion Requesting Permission to File Record on Appeal and the Proof of Service upon counsel for the Respondent. Finally, I enclose our firm check in the amount of \$25.00 as payment for the filing fee.

I would greatly appreciate you filing the Motion Requesting Permission to File Record on Appeal and the Proof of Service with the Court of Appeals and returning a date stamped copy of each to my attention in the enclosed self-addresses, stamped envelope.

Charleston

Charlotte

Columbia

Greensboro

Greenville

Hilton Head

Myrtle Beach

Raleigh

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SC Court of Appeals

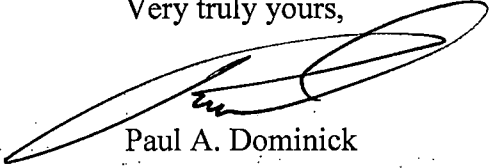
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June 27, 2017
Page 2

If you need anything else or I otherwise may be of any assistance to you or to the Court of Appeals regarding this matter, please feel free to contact me at your convenience.

Very truly yours,

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

Paul A. Dominick

MT/mjt

Enclosures

CCE: Mark A. Mason, Esquire/Salah Hani Hibri, Esquire

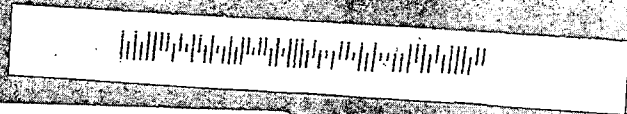
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