

84496

NOTICE OF APPEAL IN A CIVIL CASE

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

SEP 05 2017

SC Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

Benjamin H. Culbertson, Circuit Court Judge

Case No. 2015-CP-26-6423

William F. O'Neil III, as Special
Administrator of the Estate of Robert
Thomas Mathis, deceased,

Respondent,

v,

James Cook and Jericha Cook,

Appellants.

**APPELLANTS' MOTION
FOR EXTENSION OF TIME**

YOU WILL PLEASE TAKE NOTICE that Plaintiffs by and through their undersigned attorneys, hereby moves this Honorable Court, for an extension of time requesting permission to order the transcript outside of the filing deadlines set by Rule 207 of the South Carolina Appellate Court Rules.

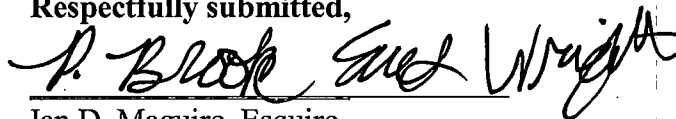
The grounds for this Motion are as follows:

1. Appellants counsel mailed a letter to the Court Reporter on July 6, 2017, requesting a copy of the entire trial transcript.
2. Appellants counsel previously had some difficulties in making payment arrangements due to the excessive estimated cost of the trial transcript. However, Appellants counsel was subsequently able to work out payment arrangements.
3. Accordingly, Appellants counsel confirmed the previous transcript request and

reordered the entire trial transcript via email to the Court Reporter on August 29, 2017, and by letter sent via Certified US Mail to the Court Reporter on August 31, 2017.

This motion is supported by the South Carolina Rules of Civil Procedure, applicable case law, the trial transcript and exhibits, and any affidavits and/or additional memoranda submitted in support of the Motions and any other materials the Court may receive at or prior to the hearing on these Motions. For the reasons stated herein and upon oral argument, Plaintiffs request that the Court reconsider the order of judgment entered in this matter, withdraw that order, and enter a new order altering or amending the award accordingly and/or enter an order granting a new trial.

Respectfully submitted,



Ian D. Maguire, Esquire

SC Bar No.: 66587

P. Brooke Eaves Wright, Esquire

SC Bar No.: 102021

MAGUIRE LAW FIRM

1600 North Oak Street, Suite B

Myrtle Beach, South Carolina 29577

Telephone: (843) 361-7549

Facsimile: (843) 361-7048

Attorneys for Appellants

Myrtle Beach, South Carolina

August 31, 2017

Other Counsel of Record:

G. Michael Smith, Esquire

Post Office Box 1740

Conway, South Carolina 29528

(843) 248-5741

Attorney for Respondent

Exhibit A



*Ian D. Maguire**
Brooke E. Wright
Brittney F. Jones

**Licensed in North & South Carolina*

P. BROOKE EAVES WRIGHT, ESQUIRE
Eaves@maguirelawfirm.com

July 6, 2017

Grace L. Hurley
P.O. Box 30878
Myrtle Beach, SC 29588
County: Georgetown

RE: James Cook and Jericha Cook v. William F. O'Neil III, as Special Administrator of the Estate of Robert Thomas Mathis, deceased
Docket No.: 15-CP-26-6423
ML File No.: 12-IM-207-AA

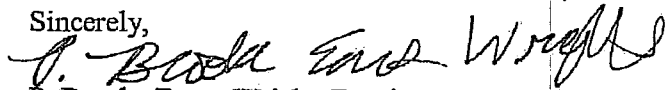
Dear Ms. Hurley:

I hope you are doing well. This letter is to request a copy of the trial transcript from the case of James Cook and Jericha Cook vs. William F. O'Neil, III, as Special Administrator of the Estate of Robert Thomas Mathis, Case No. 2015-CP-26-6423. I represent the Plaintiffs.

Importantly, I need a copy of the transcript portion from when the verdict was rendered and the discussion regarding post-trial motions. Please send me that portion of the transcript within the next few days if possible.

I would also like a copy of the complete transcript in full at your earliest convenience. Please send me your invoice also. Of course, should you have any questions or concerns regarding this matter, please do not hesitate to contact our office. Thank you.

Sincerely,


P. Brooke Eaves Wright, Esquire

PBE/pbe

Main Office: 1600 North Oak Street, Suite B • Myrtle Beach, South Carolina 29577
Telephone 843-361-7549 • Fax 843-361-7048 • Toll Free: 800-525-9900
North Myrtle Beach Office: 211 Highway 17 North, Unit 105 • North Myrtle Beach, SC 29582
www.maguirelawfirm.com

Exhibit B



*Ian D. Maguire**
Brooke E. Wright
Brittney F. Jones

**Licensed in North & South Carolina*

P. BROOKE EAVES WRIGHT, ESQUIRE
Eaves@maguirelawfirm.com

August 31, 2017

G. Michael Smith, Esquire
Thompson & Henry, PA
Post Office Box 1740
Conway, SC 29528

RE: James Cook and Jericha Cook v. William F. O'Neil III, as Special Administrator of the Estate of Robert Thomas Mathis, deceased
Docket No.: 15-CP-26-6423
ML File No.: 12-IM-207-AA

Dear Mr. Smith:

I enclose herewith and serve upon you Appellant's Motion for Extension of Time with regard to the above-referenced case. Of course, should you have any questions or concerns regarding this matter, please do not hesitate to contact our office.

With kind regards, I am,
Sincerely,

P. Brooke Eaves Wright, Esquire

Enclosures

Main Office: 1600 North Oak Street, Suite B • Myrtle Beach, South Carolina 29577
Telephone 843-361-7549 • Fax 843-361-7048 • Toll Free: 800-525-9900
North Myrtle Beach Office: 211 Highway 17 North, Unit 105 • North Myrtle Beach, SC 29582
www.maguirelawfirm.com

Exhibit C

Brooke Eaves

From: Brooke Eaves <Eaves@MaguireLawFirm.com>
Sent: Tuesday, August 29, 2017 11:30 AM
To: 'Hurley, Grace L.'
Subject: RE: Cook v. O'Neil (15-CP-26-6423)
Attachments: OUT 7.6.17 transcript req to CR.pdf

Dear Ms. Hurley,

At this time, I would like to confirm my previous request for a copy of the entire transcript from the trial in this case. Please prepare the entire transcript and send it to me at your earliest convenience. I have attached a copy of the letter that I previously mailed to you on July 6, 2017, that includes all of the necessary information. Please let me know if you need anything further from me at this time. Thank you.

-Brooke

Sincerely,

P. Brooke Eaves Wright, Esq.
Litigation Attorney
MAGUIRE LAW FIRM
1600 North Oak Street, Suite B
Myrtle Beach, South Carolina 29577
Direct Dial: 843.663.1410
Office Fax: 843.361.7048
E-Mail: Eaves@MaguireLawFirm.com
Supervising Attorney: Ian D. Maguire, Esquire Visit us on the web: www.MaguireLawFirm.com

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Brooke Eaves

From: Brooke Eaves <Eaves@MaguireLawFirm.com>
Sent: Tuesday, August 29, 2017 11:41 AM
To: 'Hurley, Grace L.'
Subject: RE: Cook v. O'Neil (15-CP-26-6423)

Ms. Hurley,

This email is to confirm that my office will pay you the fee of \$1,543.75 upon completion of the entire trial transcript. I will also mail you a letter today confirming the same. Thank you again.

-Brooke

Sincerely,

P. Brooke Eaves Wright, Esq.
Litigation Attorney
MAGUIRE LAW FIRM
1600 North Oak Street, Suite B
Myrtle Beach, South Carolina 29577
Direct Dial: 843.663.1410
Office Fax: 843.361.7048
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-----Original Message-----

From: Hurley, Grace L. [mailto:GHurley@sccourts.org]
Sent: Tuesday, July 11, 2017 12:54 PM
To: Brooke Eaves
Subject: Cook v. O'Neil (15-CP-26-6423)

Attached is the portion of the transcript that you requested I forward to you as soon as possible. I will mail you a signed original, along with a bill for same.

Please be advised that I ESTIMATE the complete trial transcript to be 475 pages long. The cost of an original transcript is \$3.25 per page. The cost of the complete transcript will be \$1,543.75. Payment will be due upon completion and prior to release of the transcript.

PLEASE LET ME KNOW IF YOU WOULD LIKE FOR ME TO GO AHEAD WITH PREPARATION OF THE COMPLETE TRANSCRIPT. Please be advised that I have 60 days in which to complete the transcript if needed.

Thanks,

Grace L. Hurley, CVR-CM-M
Circuit Reporter
15th Judicial Circuit
P.O. Box 30878
Myrtle Beach, SC 29588

From: Brooke Eaves <eaves@maguirelawfirm.com>
Sent: Friday, July 7, 2017 11:05 AM
To: Hurley, Grace L.
Subject: RE: Trial transcript - urgent request

Thank you very much. I appreciate your response. Please email me the transcripts so that I will have them as soon as possible. Thanks!

-Brooke

Sincerely,

P. Brooke Eaves Wright, Esq.
Litigation Attorney
MAGUIRE LAW FIRM
1600 North Oak Street, Suite B
Myrtle Beach, South Carolina 29577
Direct Dial: 843.663.1410
Office Fax: 843.361.7048
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-----Original Message-----

From: Hurley, Grace L. [mailto:GHurley@sccourts.org]
Sent: Friday, July 07, 2017 10:36 AM
To: Brooke Eaves
Subject: Re: Trial transcript - urgent request

I am on vacation and will get to you the discussion regarding post-trial motions by early next week.

I will let you know the cost for the complete transcript when I return to my office on Monday. Once the transcript is completed I will forward you a bill for same and upon receipt of payment will both e-mail and mail the signed original to you.

Thanks,

Grace L. Hurley, CVR-CM-M
Circuit Reporter
15th Judicial Circuit
P.O. Box 30878
Myrtle Beach, SC 29588

From: Brooke Eaves <eaves@maguirelawfirm.com>
Sent: Wednesday, July 5, 2017 1:27 PM
To: Hurley, Grace L.
Subject: Trial transcript - urgent request

Ms. Hurley,

I am emailing you to request a copy of the trial transcript from the case James Cook and Jericha Cook vs. William F. O'Neil, III, as Special Administrator of the Estate of Robert Thomas Mathis, Case No. 2015-CP-26-6423. I represent the Plaintiffs.

Importantly, I need a copy of the transcript portion from when the verdict was rendered and the discussion regarding post-trial motions. Please send me that portion of the transcript within the next few days if possible.

I would also like a copy of the complete transcript in full whenever you get a chance. Please send me your invoice also. Thank you very much.

-Brooke

Sincerely,

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Litigation Attorney
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Office Fax: 843.361.7048
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www.MaguireLawFirm.com<https://urldefense.proofpoint.com/v2/url?u=http-3A__www.maguirelawfirm.com_&d=DwMFAg&c=YGvVmrQQ6VQOFx3Z93C9uQ&r=L7rjNVA7qnkru4ZEJ757KhbAI5v79LL5Wgy-rj5emQ8&m=oZ7xrjt0EA6f4FalPBLnFt_N9x_oo9n4rkhVeztOtTi&s=CmjokmdfFtWKMfPwXxk74vvOfcpoJC65Ko6GILYXnMM&e=>>

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## Brooke Eaves

---

**From:** Brooke Eaves <Eaves@MaguireLawFirm.com>  
**Sent:** Tuesday, July 11, 2017 1:29 PM  
**To:** 'Hurley, Grace L'  
**Subject:** RE: Cook v. O'Neil (15-CP-26-6423)

Thank you very much. I do not want a copy of the entire transcript at this time because that is too expensive. Please do not prepare the entire trial transcript. I will let you know if I end up needing it and will place an order for it later if needed. Thanks!

-Brooke

Sincerely,

P. Brooke Eaves Wright, Esq.  
Litigation Attorney  
MAGUIRE LAW FIRM  
1600 North Oak Street, Suite B  
Myrtle Beach, South Carolina 29577  
Direct Dial: 843.663.1410  
Office Fax: 843.361.7048  
E-Mail: Eaves@MaguireLawFirm.com  
Supervising Attorney: Ian D. Maguire, Esquire Visit us on the web: [www.MaguireLawFirm.com](http://www.MaguireLawFirm.com)

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Thanks,

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Circuit Reporter  
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NOTICE OF APPEAL IN A CIVIL CASE

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

Benjamin H. Culbertson, Circuit Court Judge

Case No. 2015-CP-26-6423

William F. O'Neil III, as Special
Administrator of the Estate of Robert
Thomas Mathis, deceased,

Respondent,

v,

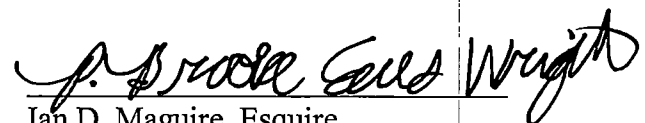
James Cook and Jericha Cook,

Appellants.

PROOF OF SERVICE

I certify that I have served the Appellants' Motion for Extension of Time on counsel for the parties by depositing a copy of it in the United States Mail, postage prepaid on this the 31st day of August 2017, addressed to G. Michael Smith, Esquire of Thompson & Henry; P.O. Box 1740, Conway, SC 29528, as the attorney of record for William F. O'Neil III, as Special Administrator of the Estate of Robert Thomas Mathis, deceased.

August 31, 2017



Ian D. Maguire, Esquire
SC Bar No. 66587
P. Brooke Eaves Wright, Esquire
SC Bar No.: 102021
MAGUIRE LAW FIRM
1600 North Oak Street, Suite B
Myrtle Beach SC 29577
(843) 361-7549
Attorneys for Appellants

RECEIVED

SEP 05 2017

SC Court of Appeals

NOTICE OF APPEAL IN A CIVIL CASE

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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SEP 05 2017

SC Court of Appeals

APPEAL FROM HORRY COUNTY
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Benjamin H. Culbertson, Circuit Court Judge

Case No. 2015-CP-26-6423

William F. O'Neil III, as Special
Administrator of the Estate of Robert
Thomas Mathis, deceased,

Respondent,

v,

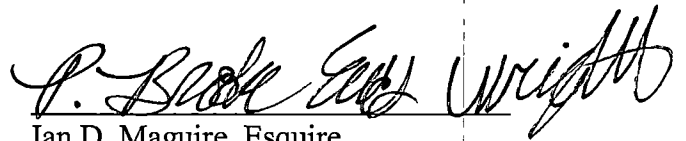
James Cook and Jericha Cook,

Appellants.

PROOF OF SERVICE

I certify that I have served the Appellants' Motion for Extension of Time on The Honorable Jenny Abbott Kitchings, Clerk of Court, South Carolina Court of Appeals by depositing a copy of it in the United States Mail, Certified postage prepaid on this the 1st day of September 2017, addressed to The Honorable Jenny Abbott Kitchings, Clerk of Court, South Carolina Court of Appeals, 1220 Senate Street, Columbia SC 29201.

September 1, 2017



Ian D. Maguire, Esquire
SC Bar No. 66587

P. Brooke Eaves Wright, Esquire
SC Bar No.: 102021

MAGUIRE LAW FIRM
1600 North Oak Street, Suite B
Myrtle Beach SC 29577
(843) 361-7549
Attorneys for Appellants



Ian D. Maguire*
Brooke E. Wright
Brittney F. Jones

*Licensed in North & South Carolina

P. BROOKE EAVES WRIGHT, ESQUIRE
Eaves@maguirelawfirm.com

September 1, 2017

VIA CERTIFIED US MAIL

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
1220 Senate Street
Columbia SC 29201

RECEIVED

SEP 05 2017

SC Court of Appeals

RE: William F. O'Neil III, as Special Administrator of the Estate of Robert Thomas Mathis,
deceased v. James Cook and Jericha Cook
Docket No: 15-CP-26-6423
ML File No.: 12-IM-206-AA

Dear Ms. Kitchings:

Enclosed herein for filing is the Appellants' Motion for Extension of Time requesting permission to order the transcript outside of the filing deadlines set by Rule 207, SCACR, with Exhibits included. In addition to the Appellants' Motion for Extension of Time with Exhibits, please find enclosed copies of the following:

- (1) Proof of service of Appellants' Motion for Extension of Time upon the Respondent;
- (2) 6 Copies of the Appellants' Motion for Extension of Time; and
- (3) Requisite \$25.00 filing fee

We are respectfully requesting for clocked copies of Appellants' Motion for Extension of Time to be returned in the enclosed self-addressed stamped envelope. By copy of this letter and enclosed documents, I am notifying counsel for the Respondent of this communication with the Court.

With kind regards, I am,
Sincerely,

P. Brooke Eaves Wright, Esquire

Enclosure

cc: Horry County Clerk of Court
G. Michael Smith, Esquire

CERTIFIED MAIL®



7016 0910 0001 7458 8081



1600 North Oak Street, Suite B
Myrtle Beach, South Carolina 29577
(843) 361-7549 / Fax (843) 361-7048
www.maguirelawfirm.com



VIA CERTIFIED US MAIL

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
1220 Senate Street
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RECEIVED

SEP 05 2017

SC Court of Appeals