

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Richland County  
Court of Common Pleas

66686

Alison Renee Lee, Circuit Court Judge

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Case No. 2011-CP-40-3989

QBE Insurance Corporation as assignee of  
P.V. Inc. d/b/a Harbor Inn,

Appellant,

v.

William Fincher, Harrison, Fincher & Associates, LLC,  
and Harrison, Fincher & Associates, Inc.,

Respondents.

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**MOTION FOR EXTENSION OF TIME TO ORDER TRANSCRIPT  
AND/OR TO ORDER TRANSCRIPT OUT OF TIME, IF  
NECESSARY**

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YOUNG CLEMENT RIVERS, LLP  
Stephen L. Brown  
Jeffrey J. Wiseman  
Russell G. Hines  
Post Office Box 993  
Charleston, South Carolina 29402  
(843) 720-5488  
*Attorneys for the Appellant*

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DEC 27 2012

SC Court of Appeals

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

The Appellant, QBE Insurance Corporation as assignee of P.V. Inc. d/b/a Harbor Inn, by and through its undersigned counsel, moves for this Honorable Court for relief (as set forth below) upon the following grounds:

1. On December 7, 2012, the undersigned wrote the Court as follows:

I am writing to inquire about the status of the above-referenced appeal. By way of background, I recount the following. The Appellant, QBE Insurance Corporation as assignee of P.V. Inc. d/b/a Harbor Inn, filed/served a Notice of Appeal on October 17, 2012; the Respondents filed/served a motion to dismiss the Appellant's appeal on October 22, 2012; and the Appellant then filed/served an Amended Notice of Appeal on November 8, 2012. As I understand it, pursuant to Rule 240(b), SCACR, the Respondents' motion to dismiss stays the time for perfecting the Appellant's appeal, which would include the Appellant's transcript order, until the Court has acted on the motion. To the best of my knowledge, the Court has not yet acted upon the Respondents' motion to dismiss but, under the circumstances here, the Appellant's Amended Notice of Appeal may well have rendered the motion to dismiss moot.

Accordingly, will you please advise as to whether the time for perfecting the Appellant's appeal is presently stayed? To the extent that the Appellant's obligation to order the transcript is not stayed, please allow this correspondence to also serve as our request to extend the time for ordering

the transcript and/or to order the transcript out of time, if necessary. In this regard, I would ask that the Court allow the Appellant 14 days from the date of this correspondence to order the transcript, i.e., through December 21, 2012. (I ask for this extended allowance because the parties are engaged in discussions which may lead to the resolution of the appeal and I would prefer not incurring the expense of ordering the transcript if it is not needed.) Our firm's check in the amount of \$25 is enclosed to cover the cost of this request. Of course, if a more formal motion is needed, or if you have any questions or concerns, please just let me know.

(A copy of this correspondence is attached hereto as Exhibit A.)

2. The Court has not yet acted in response to the December 7, 2012 letter, and the time allotment requested therein expires today, December 21, 2012.

3. As noted in the December 7, 2012 letter, the parties are engaged in discussions which may lead to the resolution of the appeal, and it would be preferable not to incur the expense of ordering the transcript if it is not needed.

4. Though a resolution has not yet been reached, the potential for such a resolution remains, as does the desire to avoid the potentially unnecessary expense of ordering the transcript.

5. In this light, and because of the holiday season and the abbreviated work schedule occasioned thereby, to the extent that the

Appellant's obligation to order the transcript is not stayed (notwithstanding the Respondents' motion to dismiss, which, at least technically, appears to remain pending), the Appellant asks the Court to allow it an additional 30 days' time to order the transcript.

6. The Appellant submits that the grant of such allowance is in the interests of justice and judicial economy and is not unduly prejudicial to any party.

WHEREFORE, to the extent that the Appellant's obligation to order the transcript is not stayed, pursuant to Rule 263(b), SCACR, the Appellant moves this Honorable Court for an extension of 30 days' time and/or to order the transcript out of time, if necessary, i.e., to have until January 21, 2013 to order the transcript, if needed. The Appellant would further ask that the Court hold any deadline regarding ordering the transcript in abeyance until the Court acts upon this matter.

**<SIGNED ON THE FOLLOWING PAGE>**

Respectfully submitted,

YOUNG CLEMENT RIVERS, LLP

By: 

Stephen L. Brown

Jeffrey J. Wiseman

Russell G. Hines

Post Office Box 993

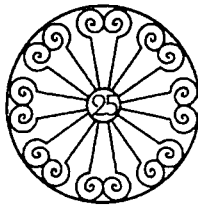
Charleston, South Carolina 29402

(843) 720-5488

*Attorneys for the Respondent*

Charleston, South Carolina

Dated: 12/21/12



**YCR LAW**  
Young Clement Rivers, LLP

Russell G. Hines

Direct Dial: (843) 720-5488  
Direct Fax: (843) 579-1327  
E-mail: RHines@ycrlaw.com

December 7, 2012

Jenny Abbott Kitchings, Clerk of Court  
South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

Re: QBE Insurance Corporation as assignee of P.V., Inc. d/b/a Harbor Inn v. William Fincher, Harrison, Fincher & Associates, LLC and Harrison, Fincher & Associates, Inc.  
Appellate Case No.: 2012-213192  
Case No.: 2011-CP-40-3989  
YCR File: 14272-20110571

Dear Ms. Kitchings:

I am writing to inquire about the status of the above-referenced appeal. By way of background, I recount the following. The Appellant, QBE Insurance Corporation as assignee of P.V. Inc. d/b/a Harbor Inn, filed/served a Notice of Appeal on October 17, 2012; the Respondents filed/served a motion to dismiss the Appellant's appeal on October 22, 2012; and the Appellant then filed/served an Amended Notice of Appeal on November 8, 2012. As I understand it, pursuant to Rule 240(b), SCACR, the Respondents' motion to dismiss stays the time for perfecting the Appellant's appeal, which would include the Appellant's transcript order, until the Court has acted on the motion. To the best of my knowledge, the Court has not yet acted upon the Respondents' motion to dismiss but, under the circumstances here, the Appellant's Amended Notice of Appeal may well have rendered the motion to dismiss moot.

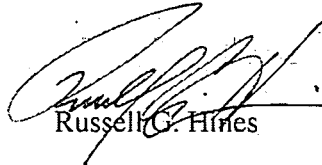
Accordingly, will you please advise as to whether the time for perfecting the Appellant's appeal is presently stayed? To the extent that the Appellant's obligation to order the transcript is not stayed, please allow this correspondence to also serve as our request to extend the time for ordering the transcript and/or to order the transcript out of time, if necessary. In this regard, I would ask that the Court allow the Appellant 14 days from the date of this correspondence to order the transcript, i.e., through December 21, 2012. (I ask for this extended allowance because the parties are engaged in discussions which may lead to the resolution of the appeal and I would prefer not incurring the expense of ordering the transcript if it is not needed.) Our firm's check in the amount of \$25 is enclosed to cover the cost of this request. Of course, if a more formal motion is needed, or if you have any questions or concerns, please just let me know.

Jenny Abbott Kitchings, Clerk of Court  
December 7, 2012  
Page 2

With best wishes and kindest regards, I am

Sincerely,

YOUNG CLEMENT RIVERS, LLP



Russell G. Hines

RGH/jla  
Enclosure

cc: Susan Taylor Wall, Esquire  
Amanda Williams, Esquire

Exhibit A

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

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Appeal from Richland County  
Court of Common Pleas

Alison Renee Lee, Circuit Court Judge

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Case No. 2011-CP-40-3989

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QBE Insurance Corporation as assignee of  
P.V. Inc. d/b/a Harbor Inn,

Appellant,

v.

William Fincher, Harrison, Fincher & Associates, LLC,  
and Harrison, Fincher & Associates, Inc.,

Respondents.

---

**PROOF OF SERVICE**

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YOUNG CLEMENT RIVERS, LLP  
Stephen L. Brown  
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Post Office Box 993  
Charleston, South Carolina 29402  
(843) 720-5488  
*Attorneys for the Appellant*

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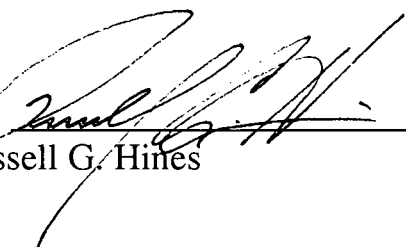
DEC 27 2012

**SC Court of Appeals**

I, Russell G. Hines, of Young Clement Rivers, LLP, counsel for the Appellant above named, do hereby certify that I have served the Appellant's **Motion for Extension of Time to Order Transcript and/or to Order Transcript Out of Time** on the above-named Respondents by depositing a copy of the same in the United States Mail, postage prepaid, on December 21, 2012, addressed as follows to their counsel of record:

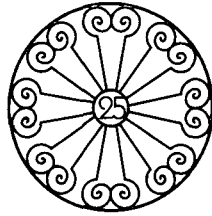
Susan Taylor Wall, Esquire  
Amanda C. Williams, Esquire  
McNair Law Firm, P.A.  
Post Office Box 1431  
Charleston, SC 29402

YOUNG CLEMENT RIVERS, LLP

By:   
Russell G. Hines

Charleston, South Carolina

Dated: 12/21/12



**YCR LAW**  
Young Clement Rivers, LLP

Russell G. Hines

Direct Dial: (843) 720-5488  
Direct Fax: (843) 579-1327  
E-mail: RHines@ycrlaw.com

December 21, 2012

**VIA U.S. MAIL**

Jenny Abbott Kitchings, Clerk of Court  
South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

Re: QBE Insurance Corporation as assignee of P.V., Inc. d/b/a Harbor Inn v. William Fincher, Harrison, Fincher & Associates, LLC and Harrison, Fincher & Associates, Inc.  
Appellate Case No.: 2012-213192  
Case No.: 2011-CP-40-3989  
YCR File: 14272-20110571

Dear Ms. Kitchings:

Enclosed for filing please find the Appellants' **Motion for Extension of Time to Order Transcript and/or to Order Transcript Out of Time** in the above-referenced matter along with a **Proof of Service** for the same and our firm's check in the amount of \$25 to cover any motion filing fee. Please return a copy of the filed documents to me in the envelope provided. Of course, if you have any questions or concerns, please let me know.

With best wishes and kindest regards, I am

Sincerely,

YOUNG CLEMENT RIVERS, LLP



Russell G. Hines

RGH/rg  
Enclosure

cc: Susan Taylor Wall, Esquire  
Amanda Williams, Esquire

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