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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Robert E. Hood, Circuit Court Judge

Case No. 2016-CP-40-7402

RECEIVED
AUG 07 2018
SC Court of Appeals

Madison Cone, individually and on behalf
of Tower Street Capital Management, Inc.,.....Appellant

v.

Curtis C. Stewart, Atlantic Intermediaries, LLC,
Allstar Financial Group, Inc., and Tower Street
Capital Management, Inc.

Of Whom Atlantic Intermediaries, LLC and
Allstar Financial Group, Inc. are.....Respondents

MOTION TO STAY APPEAL, OR IN THE ALTERNATIVE, FOR AN EXTENSION OF
TIME TO FILE INITIAL BRIEF AND DESIGNATION OF MATTER

Pursuant to Rule 240, SCACR, Madison Cone, individually and on behalf of Tower Street Capital Management, hereby moves to stay the above captioned action because Respondents Atlantic Intermediaries, LLC (“Atlantic”) and Allstar Financial Group, Inc. (“Allstar”) have indicated that they are going to petition the South Carolina Supreme Court to issue a writ of mandamus regarding this Court’s Order, denying Respondents’ petition for rehearing, attached hereto as **Exhibit A** and this Court’s Order, dismissing Respondents’ appeal, attached hereto as **Exhibit B**. Respondents’ email, dated yesterday, August 6, 2018, informed the arbitrator and

opposing counsel that they will seek review by the South Carolina Supreme Court is attached hereto as **Exhibit C**. Additionally, Appellant has petitioned the South Carolina Supreme Court for a writ of mandamus, asking for an order compelling the matter back to arbitration. A copy of the Petition for Writ of Mandamus is attached hereto as **Exhibit D**. A resolution of either Respondents' appeal or Appellant's petition for writ of mandamus will greatly simplify, or may eliminate, the issues raised in the present appeal. Judicial economy and efficiency warrant a stay of the present appeal, pending a resolution of Respondents' appeal or Appellant's writ of mandamus.

Alternatively, Appellant respectfully requests a thirty (30) day extension of time to file and serve his initial brief and designation of matter. Currently, his initial brief and designation of matter are due on Monday, August 13, 2018. With a thirty-day extension, the initial brief and designation of matter would be due on Wednesday, September 12, 2018.

Counsel for Appellant has consulted with counsel for Respondents and asked if he would consent to a motion to stay the appeal, or in the alternative, a motion for an extension of thirty days to file and serve the initial brief and designation of matter. Respondents' counsel has indicated that he will not consent to the stay, but will not oppose the extension of thirty days.

SOWELL & DuRANT, LLC

By: _____

Thornwell F. Sowell III

Thornwell F. Sowell, III (SC Bar No. 5197)

Bess J. DuRant (SC Bar No. 77920)

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Attorneys for Appellant

Columbia, South Carolina
August 7, 2018

OTHER COUNSEL OF RECORD:

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Attorneys for Respondents Allstar Financial Group, Inc. and Atlantic Intermediaries, LLC

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v.

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Of Whom Atlantic Intermediaries, LLC and
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PROOF OF SERVICE

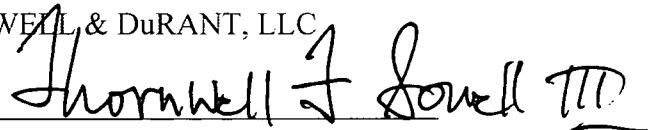
I certify that I have caused the service of the Motion to Stay Appeal, or in the Alternative, for an Extension of Time to File Initial Brief and Designation of Matter by depositing a copy of it in the United States Mail, postage prepaid, on August 7, 2018, to their attorneys of record, addressed as follows:

Eric S. Bland, Esquire
Bland Richter, LLP
PO Box 72
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(803) 256-9664
EricBland@BlandRichter.com

Ronald L. Richter, Jr., Esquire
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Attorneys for Respondents Allstar Financial Group, Inc. and Atlantic Intermediaries, LLC

SOWELL & DuRANT, LLC

A handwritten signature in black ink that reads "Thornwell F. Sowell III". The signature is written in a cursive style and is positioned above a horizontal line.

Thornwell F. Sowell, III (SC Bar No. 5197)

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Attorneys for Appellant

S O W E L L + D U R A N T

August 7, 2018

VIA HAND-DELIVERY

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

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SC Court of Appeals

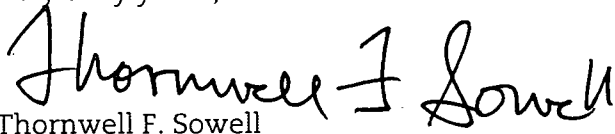
Re: Madison Cone, individually and on behalf of Tower Street Capital Management, Inc. v. Curtis C. Stewart, Atlantic Intermediaries, LLC, Allstar Financial Group, Inc. and Tower Street Capital Management, Inc.
C/A No.: 2016-CP-40-7402
Our File No.: 6820/1500

Dear Ms. Kitchings:

Enclosed for filing please find the attached Motion to Stay Appeal, or in the Alternative, for an Extension of Time to File Initial Brief and Designation of Matter. We have also enclosed the \$25 filing fee. Please return a filed copy of the Motion to our courier.

Thank you for your assistance, and should you have any questions, please do not hesitate to contact me.

Very truly yours,


Thornwell F. Sowell

TFS:aak

VIA EMAIL AND U.S. MAIL
cc: Eric S. Bland, Esquire
Ronald L. Richter, Jr., Esquire
Scott M. Mongillo, Esquire

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