

 ORIGINAL

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM PICKENS COUNTY  
Court of Common Pleas

R. Murry Hughes, Special Master

Common Pleas Case No. 2012-CP-39-01542

Court of Appeals Case No. 2018-001591

MTGLQ INVESTORS, LP,

RESPONDENT,

v.

KATHY FLAUGHER,  
PHILIP E. FLAUGHER,  
JR. A/K/A PHILLIP E.  
FLAUGHER, JR.,

APPELLANT.

**RECEIVED**

SEP 17 2018

SC Court of Appeals

**MOTION TO PERMISSION TO ORDER TRANSCRIPT OUTSIDE  
OF FILING DEADLINE SET BY RULE 207 OF THE  
SOUTH CAROLINA COURT OF APPEALS CURT RULES**

**KATHY FLAUGHER, PHILIP E. FLAUGHER, JR. A/K/A PHILLIP**

**E. FLAUGHER, JR.** (“Appellants”) hereby petitions this court for Permission to Order Transcript Outside of Filing Deadline Set by Rule 207 of the South Carolina Court of Appeals Curt Rules. The grounds for this motion in summary are as follows:

1. Petitioner request permission for an extension of time to extent time to file the letter attached hereto as Exhibit A (“letter”) showing that Appellants have requested a copy of the transcript directly from the court reporter

outside the ten (10) day filing deadline set by Rule 207 of the South Carolina Court of Appeals.

2. The Appellants failure to file a copy of the letter showing that Appellants had requested said transcript directly from the court reporter outside the ten (10) day deadline set by Rule 207 was based on excusable negligent.

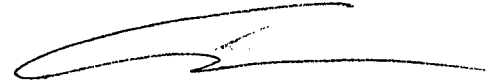
3. Specifically, the Appellants' inaccurately thought a copy of the letter was to be filed within ten (10) days of receiving a filed stamped copy of Appellant's docketed Notice of Appeal returned from the clerk of court.

4. As soon as Appellants recognized this oversight, the Appellants immediately requested said transcript from the court report then filed with the court as evidenced by the Exhibit A attached hereto.

5. As detailed above, the sequence of events which resulted in the Appellants failure to file the letter with the court was based on excusable negligent which has not caused any prejudice to Appellee nor has it resulted in a substantial delay in this action moving forward based on the Appellants immediate action.

WHEREFORE, for all the reasons set forth above, the Appellants request that this court grant the Appellants' request for an extension of time to file the attached letter showing that Appellants have requested a copy of the transcript directly from the court reporter outside the ten (10) day filing deadline set by Rule 207 of the South Carolina Court of Appeals.

September 13, 2018



---

Adam M. Cain  
Post Office Box 193  
Watkinsville, Georgia. 30677  
(706) 206-7310  
Attorney for Appellants

Other counsel:  
Scott and Corley  
P.O. Box 2065  
Columbia, South Carolina 29204

# **EXHIBIT A**

# THE LAW OFFICES OF ADAM M. CAIN, LLC

amcain@adamcainlaw.com

Adam M. Cain

September 7, 2018

Creel Court Reporting, Inc.  
c/o Cyreeta Crowell  
1230 Richland Street  
Columbia, SC 29201

Via: Email to [contact@creelreporting.com](mailto:contact@creelreporting.com)

Re: MTGLQ Investors, LP. v. Flaughner et al.  
Case No.: 12-CP-39-1542Dear

Ms. Crowell

On August 7, 2018 a hearing was held in front of the Honorable R. Murry Hughes, Special Master in the above case in the Pickens County Court of Common Pleas. My records indicate that your office was the court reporter for this case.

I request that you provide me with a transcript of the proceedings. Please transcribe the entire record. I agree to pay the per page charge for this transcript as provided by Rule 607, SCACR.

Sincerely,  
s/ Adam M. Cain  
Adam M. Cain  
297 Prince Ave., Suite 24  
Athens, Georgia. 30601  
(706) 206-7310  
Attorney for Appellant

cc: Scott and Corley  
S.C. Court Administration  
Clerk, Court of Appeals

Mailing Address: Post Office Box 193, Watkinsville, Georgia 30677  
Physical Address: 297 Prince Ave., Suite 24, Athens, Georgia 30601  
(706) 206-7310 Telephone (706) 549-4694 Facsimile

From: **Creel Court Reporting Inc** [contact@creelreporting.com](mailto:contact@creelreporting.com)  
Subject: **RE: Transcripts for Matter of MTGLQ Investors, LP v. Flaughner**  
Date: **September 7, 2018 at 2:45 PM**  
To: **Jamie DAmico** [jdamico@adamcainlaw.com](mailto:jdamico@adamcainlaw.com)

Jamie,  
Thank you for your request. It has been submitted to the court reporter. Our normal turnaround is 10-14 days. If you have any further questions, please let me know and I will be happy to assist you!

Thank you,  
Cyreeta Crowell  
Office Manager

-----Original Message-----

From: **Jamie DAmico** [<mailto:jdamico@adamcainlaw.com>]  
Sent: **Thursday, September 6, 2018 5:01 PM**  
To: [contact@creelreporting.com](mailto:contact@creelreporting.com)  
Cc: **Adam Cain** <[amcain@adamcainlaw.com](mailto:amcain@adamcainlaw.com)>  
Subject: **Transcripts for Matter of MTGLQ Investors, LP v. Flaughner**

To Whom it May Concern,  
This email is in regards to a matter that was through the court of common pleas court with a special referee in Pickens County SC. Our office is requesting the transcripts for this hearing. The date of the hearing was August 7, 2018 in front of special referee Hughes. Case number 2012-CP-39-01542.  
Please let our office know at your earliest convenience, what else you may need for us to retrieve those transcripts.

Jaime Damico, Paralegal  
[jdamico@adamcainlaw.com](mailto:jdamico@adamcainlaw.com)  
Law Offices of Adam M. Cain, LLC.  
297 Prince Avenue  
Suite 24  
Athens, GA 30601  
Phone-706-206-7310  
Fax-706-549-4694



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THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM PICKENS COUNTY  
Court of Common Pleas

R. Murry Hughes, Special Master

Common Pleas Case No. 2012-CP-39-01542

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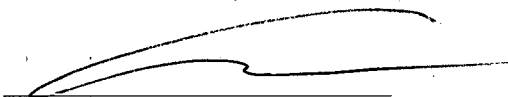
SEP 17 2018

SC Court of Appeals

PROOF OF SERVICE

I certify that I have served the Motion to Permission to Order Transcript Outside of Filing Deadline Set by Rule 207 of the South Carolina Court of Appeals Court Rules to MTGLQ Investors, LP by depositing a copy of it in the United States Mail, postage prepaid, on September 13, 2018, addressed to his attorney of record, Scott and Corley, P.A., P.O. Box 2065 Columbia, South Carolina. 29204.

September 13, 2018

  
Adam M. Cain  
Post Office Box 193  
Watkinsville, Georgia 30677  
(706) 206-7310  
Attorney for Appellant

# THE LAW OFFICES OF ADAM M. CAIN, LLC

amcain@adamcainlaw.com

Adam M. Cain

September 13, 2018

South Carolina Court of Appeal  
Clerk of Court  
P.O. Box 11629  
Columbia, SC 29211

**Via: FedEx Overnight Delivery**

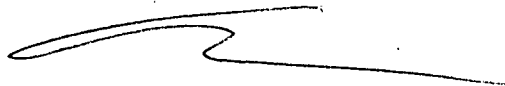
**Re: MTGLQ Investors, LP. v. Flaughner eat al.  
Case No.: 12-CP-39-1542**

**RECEIVED**  
SEP 17 2018  
SC Court of Appeals

To whom it may concern:

Enclosed for filing is a Motion to Extension of Time to File Notice of Request of Transcript with a Proof of Service in the above case with one original and two copies to be filed. Please file the original and two copies then return the filed copies back to my office in the enclosed self-addressed stamped envelope. If you should have any questions, please let me know.

Sincerely,



Adam M. Cain  
Law Offices of Adam M. Cain  
[amcain@adamcainlaw.com](mailto:amcain@adamcainlaw.com)

**Mailing Address: Post Office Box 193, Watkinsville, Georgia 30677**  
**Physical Address: 297 Prince Ave., Suite 24, Athens, Georgia 30601**  
**(706) 206-7310 Telephone (706) 549-4694 Facsimile**

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**FedEx**

Express



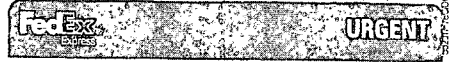
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ORIGIN ID: ANNA (706) 206-7310  
ADAM CAIN  
LAW OFFICES OF ADAM M. CAIN  
537 PRINCE AVE, SUITE 24  
ATHENS, GA 30601  
UNITED STATES US

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TO CLERK OF COURT  
SOUTH CAROLINA COURT OF APPEALS



Company  
Address: *1220 Senate St*  
City, State ZIP: *Columbia, S.C. 29201*  
Telephone: *(803) 734-1890*



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