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THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM CHARLESTON COUNTY

RECEIVED

Court of Common Pleas

APR 15 2019

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

SC Court of Appeals

Appellate Case No. 2018-000653

Common Pleas Case No.: 2013-CP-10-1877

The RMUE through its General Officers Barbara Clark, Warren E. Hatcher, Cassie Keeton, Daniel Green, Powel Hampton, Amos Hatcher, Bobby Keeton, James Moseley, and Willie B. Oliver,.....Respondents

vs.

Herman Bolds, Richard Brown Cecil Parker, Theodore Miller, Carl Miller, Joan S. Roper, Martha Mathews, Thomasina G. Walker, Marilyn S. Washington, Jaree R. Stanley, Audrey Wilder, Derrick Lucas, Willie Parker, Jr., James Cromwell, James A. Roper, III, Elizabeth R. Parker, Jacqueline R. Miller, and Payne Church,.....Appellants

APPELLANT'S MOTION FOR REINSTATEMENT
OF APPEAL AND LEAVE FOR LATE FILING

Counsel for Appellants hereby submits a Motion for an Order of Reinstatement of the Appeal pursuant to South Carolina Appellate Court Rule 260(a) and leave for late filing, for good cause shown, and states to the Court the following:

1. Appellants Counsel relies upon the use of a case management system to provide reminders of deadlines, particularly in this case. Unfortunately, very recently, the system failed

causing Counsel and his paralegal to become overwhelmed with recalculating deadlines. Unfortunately, Counsel's paralegal re-entered the wrong deadline into the tickler system setting the reminder to a later date. This case management system's failure to provide a reminder on the calendar system in the case management program and error upon the paralegal's calculation of deadline was an oversight and detrimental to this case. The missing of the deadline to serve the Record on Appeal and file the Proof of Service of the Record on Appeal was an unintentional technicality.

2. This case involves the split of a church which has been ongoing in litigation since 2013, if not prior. The Appellants have completed and filed their initial brief in this Appeal. In addition, multiple litigations have been filed by the Respondents in several courts relating to the same facts and circumstances despite the ongoing appeal. The Appellants have been forced to defend themselves in those actions at the same time while preparing filings for this Appeal. To dismiss the Appeal due to unintentional failure to timely file the Proof of Service of Record on Appeal, and to serve the Record on Appeal would cause a considerable amount of disadvantage to a large number of church members.

3. In addition, during the last three months, the Appellant's counsel became overwhelmed with deadlines, hearings and trials. During the end of December, early January 2019, Appellant's counsel suffered the loss of his father and was out of state in Tennessee handling the estate and affairs. In February, 2019, Appellant's counsel, who serves as Judicial Council for the worldwide African Methodist Episcopal Church and was required to attend a conference in South Africa for 16 days. Although Appellant's counsel received protection from court appearances, since his return to the office he has been overwhelmed with a number of court appearances, trial and deadlines.

4. The Appellants believe that the reinstatement of the Appeal would not be a disadvantage to any of the parties as the initial brief was filed and the Respondents have had Appellant's initial brief for some time. Record references within the Appellant's brief are all to orders, transcripts, pleadings and deeds from the lower court, which the Respondents already have in their possession. Delay in serving the Record on Appeal and filing the Proof of Service has in no way deprived the Respondents of information to properly prepare and file their initial brief which has been completed.

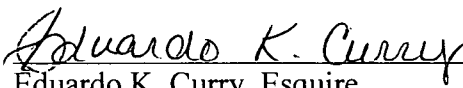
5. Further, Appellant's counsel is serving the Record on Appeal and filing the Proof of Service simultaneously with this motion and intends to file their Final Brief along with the Record on Appeal within the next five (5) business days.

6. Pursuant to South Carolina Appellate Court Rule 260(a), this motion is being filed within fifteen (15) days of the dismissal notice.

WHEREFORE, Appellants are respectfully requesting this Court reinstate the appeal and grant the Appellants leave for late service of the Record on Appeal and leave for late filing of the Proof of Service of Record on Appeal.

Respectfully submitted, this 15th day of April, 2019.

Respectfully submitted,


Eduardo K. Curry, Esquire
The Curry Law Firm, LLC
PO Box 42270
North Charleston, SC 29423
Attorney for Appellants

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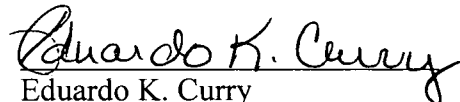
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PROOF OF SERVICE

I certify that I have served the Appellant’s Motion for Reinstatement of Appeal and Leave for Late filing to Respondents by hand delivering a copy on the 15th day of April, 2019, addressed to their attorneys of record, Darrell Thomas Johnson, Jr. and Mills Morrison, 300 Main Street, Hardeeville, SC 29927.



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April 15, 2019

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

Re: RMUE vs. Herman Bolds, et al.
Appellate Case No.: 2018-000653

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SC Court of Appeals

Dear Appeals Court Clerk:

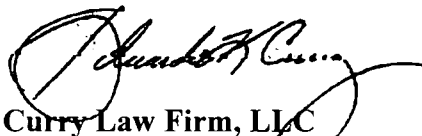
Enclosed please find the original and two (2) copies of the following:

1. Appellants' Motion for Reinstatement of Appeal and Leave for Late Filing;
2. Proof of Service of Appellant's Motion for Reinstatement of Appeal and Leave for Late Filing;
3. Proof of Service of Record on Appeal and
4. Check for \$50.00 for Motion Filing Fee.

Please file the original and return two clocked copies to our courier.

Should you have any questions, please do not hesitate to contact me.

Sincerely,



Curry Law Firm, LLC
Eduardo K. Curry, Esquire

Enclosures

cc. **Darrell Thomas Johnson, Jr. Esquire**