

90342

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM YORK COUNTY
Court of Common Pleas

Carl E. Pierce, II, Special Referee

APPELLATE CASE NO. 2019-000927

RECEIVED
JUL 22 2019
SC Court of Appeals

Christopher and Ann Marie May, Respondents

v.

Ferrara Buist LLC, John Does 1-50 and Jane Does 1-50, Appellants.

Ferrara Buist, LLC, Third Party Plaintiff,

v.

MDJ Construction, Inc. Third-Party Defendants.

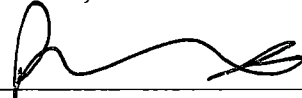
MOTION TO ORDER TRANSCRIPT

Appellants Ferrara Buist, LLC, through their undersigned counsel, hereby respectfully move this Court pursuant to Rule 207 of the SCACR to allow the ordering of the transcript outside of the filing deadline. The attorney for the Appellants, Paul B. Ferrara, III, became aware of the existence of the transcript only when he received the motion to dismiss from opposing counsel. Mr. Ferrara was under the mistaken belief that there was no court reporter at the December 14, 2018 hearing before the Special Referee and believed that only the Master's

secretary was present at the hearing. Mr. Ferrara did not apprehend or understand that a court reporter was present and therefore mistakenly believed that no transcript existed.

WHEREFORE, for the above reasons, Appellants respectfully pray that this motion be granted and that Appellant be allowed to order the record below.

Respectfully Submitted,



Paul B. Ferrara, III, Esq.

SC Bar No. 70511

Alex S. Fadoul, Esq.

SC Bar No. 103788

8887 Old University Blvd., Ste 200

North Charleston, SC 29406

(843) 569-5511/ (843) 569-5411 Fax

paul@ferraralawfirm.net

Attorney for Appellants

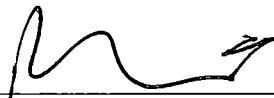
THE STATE OF SOUTH CAROLINA
In The Court of Appeals

Appellate Case No.: 2019-000927

Affidavit of Paul B. Ferrara, III


PERSONALLY, appeared before me the undersigned who, being duly sworn, on oath says:

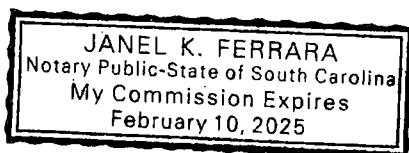
1. I did not apprehend or understand that a court reporter was present at the December 14, 2018 hearing before the Special Referee Carl Pierce.
2. I was under the mistaken belief that there was no court reporter and mistakenly believed that only the Master's secretary was present as evidence by the lack of court reporter information on the April 22, 2019 which is hereby attached.
3. I became aware of the existence of a court reporter for the first time when I received the Respondent's motion to dismiss on July 17, 2019.
4. This motion is not interposed for delay or any improper purpose.



Paul B. Ferrara, III

SWORN to before me this 18
day of July, 2019

 (L.S.)
Notary Public for South Carolina
My Commission Expires: _____



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PERSONALLY appeared before me the undersigned who, being duly sworn, on oath says:

1. That he is an employee in the office of Ferrara Law Firm, attorneys for the Defendant Ferrara Buist, LLC, herein;
2. That on the 18th day of July, 2019 he did via U.S. mail give a true and correct copy of the foregoing motion to order transcript and by mailing copies to:

V. Claire Allen
South Carolina Court of Appeals
1220 Senate St.
Columbia, SC 29201

John C. Hayes, IV
Hayes Law Firm, LLC
180 Meeting St., Suite 330
Charleston, SC 29401

3. That he is not a party to this action.

Alex Sami Fadoul
Alex Sami Fadoul

SWORN to before me this 18th
day of July, 2019

[Signature] (L.S.)
Notary Public for South Carolina
My Commission Expires: 6/26/2024

Ferrara Law Firm, PLLC

8887 Old University Blvd
North Charleston, SC 29406
(843) 569-5511 / Fax (843) 569-5411

Paul B. Ferrara, III*
Janel K. Ferrara*
Alex S. Fadoul

*(also Admitted in N.C.)

July 18, 2019

RECEIVED
JUL 22 2019
SC Court of Appeals

Sent via Fed-ex

South Carolina Court of Appeals
Attn: V. Claire Allen
1220 Senate St.
Columbia, SC 29201

RE: Christopher and Ann Marie May, Respondents v. Ferrara-Buist LLC, Appellants.
Appellate Case No.: 2019-000927
FLF No.: 17-518

Dear Clerk of Court:

Please find a motion to order a late transcript along with the affidavit of Paul B. Ferrara, III. I have also enclosed an affidavit of service. Please file the originals and return the copies the self-addressed stamped envelope.

Thank you for your timely assistance in this matter.

FERRARA LAW FIRM, PLLC


Alex Sami Fadoul, Esq.

cc: John C. Hayes, IV, Esq.

ORIGIN ID:CHSA (843) 569-5511
PAUL FERRARA III

SHIP DATE: 18JUL19
ACTWGT: 1.00 LB
CAD: 4415048/INET4160

8887 OLD UNIVERSITY BLVD

NORTH CHARLESTON, SC 29406
UNITED STATES US

BILL SENDER

TO **ATTN: V. CLAIRE ALLEN**
SC COURT OF APPEALS
1220 SENATE ST.
1ST FLOOR
COLUMBIA SC 29201

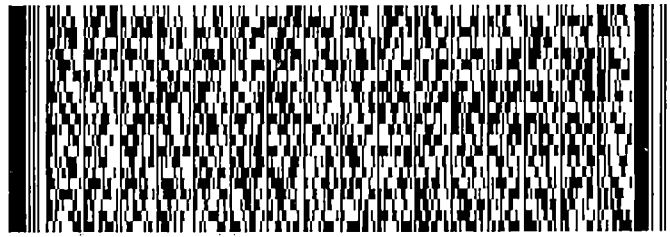
567J2/A6F905A2

(803) 734-1890

REF: 17-518 MAY

INV:
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FedEx
Express



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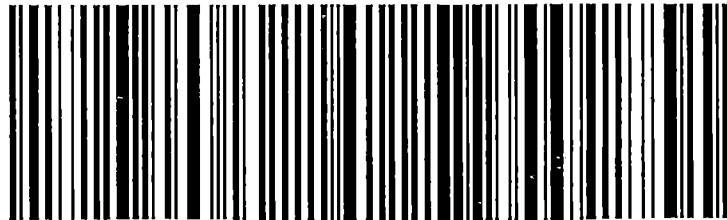
FRI - 19 JUL 3:00P

STANDARD OVERNIGHT

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JUL 22 2019

SC Court of Appeals

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