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THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM FLORENCE COUNTY  
Court of Common Pleas

Eugene P. Warr, Jr., Special Referee

Case No. 2016-CP-21-00702  
Appellate Case No. 2019-001062

**RECEIVED**  
JUL 25 2019  
SC Court of Appeals

Vincent C. Carter d/b/a Elite  
Construction Co.,

Respondent,

v.

Eagles Landing Restaurants,  
LLC,

Appellant.

MOTION TO ORDER TRANSCRIPT OUTSIDE OF FILING DEADLINE

Pursuant to Rule 267, SCACR, Appellant respectfully moves the Court for permission to order a transcript outside of the filing deadline set by Rule 207.

Appellant received written notice of entry of judgment of the order on his motion to reconsider on May 28, 2019. Notice of appeal was timely served in this case on June 21.

The case concerns a bench trial and a subsequent hearing on competing Rule 59 motions, each before the Special Referee. Appellant's counsel realized that, during the pendency of the lower court case, a transcript of the bench trial had been prepared. This is because the Special Referee's order on the Rule 59 motions mentioned that he had reviewed the transcript of the trial. However, neither Appellant's client nor his client's trial attorney had a copy of the transcript of the trial. Neither the client nor his trial counsel remembered the Court Reporter's name.

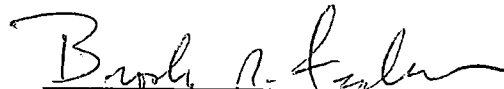
Accordingly, on June 28, Counsel contacted the Special Referee's office and inquired as to the

identity of the Court Reporter. They checked their files and contacted him with the court reporting service's name, and with the information that they had not ordered the transcript; rather, the Respondent (Plaintiff below) had done so and wished to speak with Appellant's counsel. Counsel therefore contacted first opposing counsel and then the Court Reporting company.

Appellant's counsel has emailed and spoken with the Court Reporting Service and has written them officially ordering the transcript and including a check in the amount requested. A copy of the letter ordering the transcript is attached.

Therefore, Appellant respectfully requests that the Court grants this Motion.

Respectfully Submitted,



Brooks R. Fudenberg  
Law Office of Brooks R. Fudenberg LLC  
SC Bar No. 0072019  
171 Church Street, Suite 170, Charleston, SC 29401  
843-416-2558  
Attorney for Appellant

July 22, 2019

LAW OFFICE OF BROOKS R. FUDENBERG, LLC

171 Church Street, Suite 160  
Charleston, South Carolina 29401  
BRF@Fudenberglaw.com  
Tel. 843-416-2558  
eFax: 1-910-401-1242

July 18, 2019

Q&A Court Reporting Inc.  
273 West Evans Street  
Florence, SC 29501

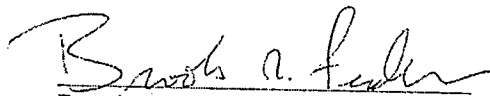
RE: Vincent C. Carter d/b/a Elite Construction Co., v. Eagles Landing Restaurants, LLC  
Case No: 2016-CP-21-00702  
Trial Date: Dec 20, 2017

Dear Madam or Sir:

Per my email correspondence with your office, enclosed please find my trust account check in the amount of \$192.45 for an electronic and a paper copy of the trial transcript referenced above.

Should you have any questions or concerns, please let me know.

Sincerely,



Brooks R. Fudenberg  
Law Office of Brooks R. Fudenberg LLC  
Attorney for Appellants

cc: Patrick B. Ford, Esq.  
Gary Ivan Finklea, Esquire

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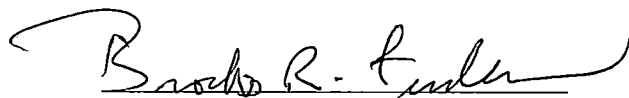
Eagles Landing Restaurants,  
LLC,

Appellant.

PROOF OF SERVICE

I certify that I have served Appellant's Motion to order a transcript outside of the filing deadline on Vincent C. Carter d/b/a Elite Construction Co. by depositing a copy of it in the United States Mail, postage prepaid, on today's date, addressed to its attorney of record Patrick B. Ford, Esq., P.O. Box 1317, Florence, SC 29503.

July 22, 2019



Brooks R. Fudenberg  
Law Office of Brooks R. Fudenberg LLC  
171 Church Street, Suite 170 Charleston, SC 29401  
843-416-2558  
Attorney for Appellant

**LAW OFFICE OF BROOKS R. FUDENBERG, LLC**

171 Church Street, Suite 160  
Charleston, South Carolina 29401  
BRF@Fudenberglaw.com  
Tel. 843-416-2558  
eFax: 1-910-401-1242

July 22, 2019

**RECEIVED**  
JUL 25 2019  
SC Court of Appeals

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

RE: Vincent C. Carter d/b/a Elite Construction Co., v. Eagles Landing Restaurants, LLC  
Case No: 2016-CP-21-00702 / Appellate Case No. 2019-001062

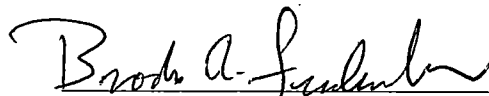
Dear Ms. Kitchings:

Please find enclosed:

- \* an original and of a Motion to request a transcript out of time,
- \* seven (7) copies of the Motion,
- \* a proof of service,
- \* a check in the amount of \$50.00 as the filing fee, and
- \* a self-addressed, stamped envelope.

I would ask that you return a stamped copy of the motion in the enclosed self-addressed envelope.

Sincerely,



Brooks R. Fudenberg  
Law Office of Brooks R. Fudenberg LLC  
Attorney for Appellant

cc: Patrick B. Ford, Esq.  
Gary Ivan Finklea, Esquire

Charleston, SC 29401



CHARLESTON SC 294  
TUE 23 JUL 2019 AM

RECEIVED  
JUL 25 2019  
SC Court of Appeals

The Hon. JERRY ABRAHAM RICHARDS  
CLERK, SOUTH CAROLINA COURT OF APPEALS  
Post Office Box 11629  
COLUMBIA, SC 29211