

THE STATE OF SOUTH CAROLINA
In The Court Of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Honorable Roger M. Young, Sr., Circuit Court Judge

Appellate Case No. 2018-000906

RECEIVED

JUL 22 2019

SC Court of Appeals

Yaschik Development Company, Inc.,
d/b/a Yaschik EnterprisesFourth-Party Defendant, Appellant

V.

Top of the Bay, Inc. d/b/a Club Light Fourth-Party Plaintiff, Respondent

MOTION TO SERVE INITIAL BRIEF OF RESPONDENT OUT OF TIME OR REINSTATE

Respondent does hereby move/petition the Honorable South Carolina Court of Appeals for an Order Reinstating this Appeal pursuant to SCACR 260(a). The grounds for this Motion are that the Swope Law Firm, P.A. set the office calendar date for filing the Respondent's Initial Brief for July 19, 2019 by calculating the thirty (30) days from the date of receipt of the Appellant's Initial Brief, and not the date of the proof of service. That same constitutes inadvertence or excusable neglect under the unusual circumstances of this matter.

Respectfully submitted,



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Attorneys for Top of the Bay, Inc. d/b/a Club Light

Charleston, SC

July 18, 2019

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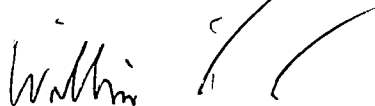
V.

Yaschik Development Company, Inc.,
d/b/a Yaschik EnterprisesFourth-Party Defendant, Appellant

PROOF OF SERVICE

On this 18th day of July, 2019, I, William K. Swope, Esquire, of the Swope Law Firm, P.A., did hereby serve an original and six (6) six copies of Respondent's Motion to File Respondent's Brief Out of Time/Reinstate Appeal on the Honorable Clerk of the South Carolina Court of Appeals and counsel of record at the following addresses, respectively.

SWOPE LAW FIRM, P.A.



WILLIAM K. SWOPE, ESQUIRE
S.C. Bar No.: 15168
1525 Sam Rittenberg Blvd., Ste. 208
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Attorney for Respondent,
Top of the Bay, Inc. d/b/a Club Light

The Hon. Jenny Abbott Kitchings
Clerk of Court
S.C. Court of Appeals
P.O. Box 11629
Columbia, SC 29211

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Charles R. Scarmanich, Esquire
Moore & Van Allen PLLC
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SWOPE LAW FIRM, P.A.

Attorneys and Counselors at Law

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William K. Swope
Denise Grainger Swope*
*Certified Family Court Mediator
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Columbia, SC 29211
Attn.: Intake Clerk

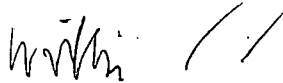
Re: Yaschik Development Co., Inc., Appellant, v. Top of the Bay, Inc., Respondent
C/A No.: 2018-000906

Dear Sir/Madam:

Enclosed please find an original and six (6) copies of Appellant's Motion to Allow Filing Respondent's Brief Out of Time/Reinstate and my firm's trust account check in the sum of Twenty-Five and 00/100s (\$25.00) Dollars for the Motion filing fee.

If you have any questions or need further information, please do not hesitate to contact me at your earliest convenience. With all best wishes, I am,

Sincerely,

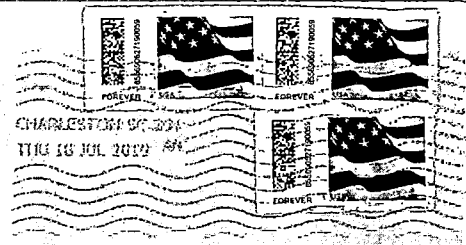


William K. Swope, Esquire

WKS/lvh

cc: W. Tracy Brown, Esquire
E. Brandon Gaaskins, Esquire
Charles R. Scarmanich, Esquire
Client
File

SW1
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Suite 208
Charleston, SC 29407



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