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THE SOUTH CAROLINA COURT OF APPEALS

Coleen R. Kennedy, Appellant

v.

South Carolina Technical College System & Horry-
Georgetown Technical, College, Respondents.

Appellate Case. No. 2019-001749

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NOV 21 2019

SC Court of Appeals

The Honorable Benjamin H. Culbertson
Horry County
Trial Case No. 2018CP2601696

Motion to Reinstate Appeal Pursuant to SCACR 240 and 260

Comes now Appellant, by and through the undersigned counsel, and respectfully moves to reinstate this Appeal in accordance with Rule 240 and 260 of the South Carolina Appellate Court Rules. In support of this motion, Appellant states as follows:

1. Appellant timely filed this action on October 17, 2019 after the final order of dismissal was filed in the lower court on July 24, 2019.
2. The original proceeding in this action dismissed this case on Summary Judgment on July 24, 2019.
3. On November 19, 2019 counsel for Appellant received notice from the Clerk of the Appellate Court through a November 18, 2019 deficiency letter for counsel to Order the Transcript and to file a motion requesting permission to order the transcript outside of the filing deadlines in accordance with Rule 207 of the SCACR. Counsel had previously sent correspondence to the Court reporter, but inadvertently sent such to the incorrect email address.

4. The November 18, 2019 letter proscribed counsel a ten day deadline (until November 28, 2019) for counsel to file the motion and order the transcript. Counsel was therefore under the impression that the Appeal was still in place as of November 21, 2019 and had not been dismissed.
5. As counsel was actively in the process of ordering the transcript in accordance with the November 18, 2019 correspondence from the Court, Appellant's counsel received notice from the Court via an Order dated November 19, 2019 that the case had been dismissed. The November 19, 2019 Order referenced a deficiency letter purportedly sent to counsel from the Court dated October 21, 2019.
6. Upon timely receipt of the November 19, 2019 Order, Appellant's counsel immediately contacted the Court to inquire regarding the substance of the October 21, 2019 letter as counsel's records did not reflect receipt of the October 21, 2019 deficiency letter.
7. The Clerk's office informed Appellant's counsel that the letter of October 21, 2019 was simply referencing a change needing to be made to the caption of the notice of Appeal and not any substantive changes to the Appeal documentation filed by Appellant.
8. Appellant's counsel is informed and believes that if this Court allows Appellant to reinstate her appeal Respondent will not be prejudiced in anyway as there are no substantive changes to the Appeal as the deficiency relates only to an amendment to the caption of the notice of Appeal.

Wherefore, Appellant's counsel respectfully requests that this Honorable Court reinstate Appellant's appeal and allow Appellant to amend the caption of her notice of appeal. Respondents will not be prejudiced by the reinstatement of this Appeal nor by Appellant's

amendment of the notice of appeal. Appellant respectfully requests that this appeal then be allowed to timely proceed in accordance with the applicable rules of this Court.

Respectfully Submitted,



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November 21, 2019

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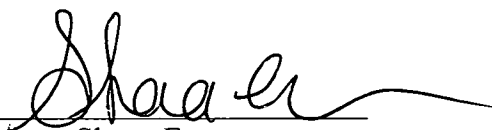
SC Court of Appeals

Motion to Reinstate Appeal Pursuant to SCACR 240 and 260

CERTIFICATE OF SERVICE

I, the undersigned employee of the Gist Law Firm, P.A., attorneys for the Appellant in the above action, do hereby certify that I have served the foregoing, Motion to Reinstate Appeal Pursuant to SCACR 240 and 260 on Counsel for Appellee by causing a copy of the same to be personally deposited in a United States Postal service mailbox, postage prepaid, with the return address clearly visible, addressed to the attorneys for Appellee as indicated below.

Bob J. Conley, Esquire
Emmanuel J. Ferguson, Sr., Esquire
Cleveland & Conley, LLC
171 St. #310
Charleston, SC 29401



Shana Evans
Paralegal

November 21, 2019