

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY  
Court of Common Pleas

Robin B. Stilwell, Circuit Court Judge

Lower Court Case No. 2019-CP-23-0049

Appellate Case No. 2020-00023

RECEIVED  
FEB 14 2020  
SC Court of Appeals

James Bennet Schwiers .....Respondent,

v.

Gene Baxley Schwiers ..... Appellant.

MOTION TO ALLOW LATE FILING OF TRANSCRIPT REQUEST


Pursuant to Rules 207(a)(1) and 240, SCACR, Gene Baxley Schwiers (“Ms. Schwiers”) respectfully requests leave to allow the late filing of her transcript request for the below proceedings. On December 27, 2019, Ms. Schwiers served and filed her original Notice of Appeal. Subsequently, on January 15, 2020, Ms. Schwiers served and filed her Amended Notice of Appeal. On January 30, 2020, Ms. Schwiers sent a transcript request letter to the court reporter. The transcript request letter was not made within ten (10) days following the Amended Notice of Appeal. Accordingly, Ms. Schwiers respectfully requests an Order from this Court allowing the late filing of her transcript request.

*[Signature Page Follows]*

Respectfully submitted,

February 12, 2020

**BURL F. WILLIAMS, P.A.**



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Burl F. Williams (S.C. Bar No. 77901)  
201 Riverplace, Suite 500  
Greenville, SC 29601  
864-546-5035  
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*Attorney for Gene Baxley Schwiers*

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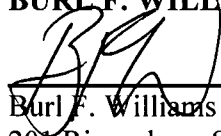
James Bennet Schwiers .....Respondent.

**PROOF OF SERVICE**

I certify that I have served the Motion to Allow Late Filing of Transcript Request on Respondent James Bennet Schwiers by depositing a copy of it in the United States Mail, postage prepaid, on February 12, 2020, addressed to his attorneys of record, James H. Cassidy and Ella S. Barberry, P.O. Box 10529, Greenville, South Carolina, 29603.

February 12, 2020

**BURL F. WILLIAMS, P.A.**



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*Attorney for Gene Baxley Schwiers*

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February 12, 2020

SENT VIA FAX (803.734.1839) & UNITED STATES MAIL

The Honorable Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
1220 Senate Street  
Columbia, South Carolina 29201

Re: *James B. Schwiers v. Gene B. Schwiers, Appellate Case No. 2020-000023*

Dear Ms. Kitchings:

I am in receipt of the deficiency letter dated February 4, 2020. Enclosed please find Appellant's correspondence to Court Administration providing notice of the ordering of the transcript from the lower court proceedings pursuant to Rule 207, SCACR. Please also find Appellant's Motion to Allow Late Filing of Transcript Request. Pursuant to Rule 240, SCACR, an original and six (6) copies of the motion have been submitted along with a \$50.00 check for the motion filing fee. In addition to placing these documents in the United States Mail today, I am also sending a copy of the notice correspondence to Court Administration and the Motion to Allow Late Filing to the Court by way of facsimile, and copying counsel of record by way of United States Mail.

Please contact my office with any questions.

Sincerely,



Burl F. Williams

CC: Court Administration (US Mail)  
James H. Cassidy, Esq. (US Mail)  
Ella S. Barberry, Esq. (US Mail)

**RECEIVED**

FEB 14 2020

**SC Court of Appeals**

COURT REPORTERS, P.A.

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GREENVILLE, SOUTH CAROLINA  
29601

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