

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Frank R. Addy, Jr., Circuit Court Judge

App. Case No. 2020-000921

RECEIVED

Jul 28 2020

SC Court of Appeals

Marsh Waterproofing, Inc.,

Respondent,

v.

Steeple Dorchester Ltd., and
Hamilton Management
Services Company, Inc.

Appellant.

APPELLANTS' MOTION FOR PERMISSION TO FILE LATE

TO: THE HONORABLE JUDGES OF THE SOUTH CAROLINA COURT OF
APPEALS:

COME NOW Appellants, Steeple Dorchester Ltd., and Hamilton Management Services Company, Inc., (hereinafter "Appellants"), by and through their undersigned counsel, pursuant to Rules 207 and 263(b), SCACR, move for leave to file their Motion for Permission to File Late to be Included in the Record On Appeal (which is being conditionally filed/served contemporaneously herewith).

1. By written Order from this Court dated June 29, 2020, the undersigned was advised that the accompanying proof of service did not state that a copy of the notice of appeal has been timely served on the Clerk of the lower court.

2. The undersigned inadvertently omitted the formal proof of service when filing the Notice of Appeal with this Court, however, the undersigned did attach an accompanying exhibit as proof of timely service on the lower court. See Appellants' Exhibit No. 1.

3. As shown in Exhibit No. 1, the undersigned electronically filed its notice of appeal with the lower court on June 19, 2020. However, said e-filing was later rejected due to clerical error in the electronic submission.

4. The undersigned electronically re-filed the Notice of Appeal on June 22, 2020, which was accepted by the Clerk of the lower court. See Appellants' Exhibit No. 2.

5. The undersigned served the Notice of Appeal on the Respondents on June 10, 2020. See Appellants' Exhibit No. 3.

6. Due to the fact that the ten-day deadline following service of the Notice of Appeal on the Respondent fell on Saturday, June 20, 2020, the filing of the Notice of Appeal with the lower court on Monday June 22, 2020 was nonetheless timely under the South Carolina Appellate Court Rules.

7. With apologies to the Court and opposing counsel for such inadvertence, the undersigned asks that Appellant's Motion be accepted for filing/service out of time.

8. The undersigned humbly submits that there is good cause to grant the requested relief given that the Notice of Appeal has been timely filed with the lower court and a copy of the initially omitted Proof of Service on the lower court should be included in the Record on Appeal.

WHEREFORE, Appellant moves this Honorable Court to grant him leave to file/serve his Motion for Permission to File Late to be Included in the Record on Appeal and ask that the Court accept as duly filed/served the Motion conditionally filed/served contemporaneously herewith.

Respectfully submitted,

/s C. Clay Olson

C. Clay Olson, SC Bar No. 17007

Harper Little, PLLC

164 Market Street Suite 139

Charleston, SC 29401

843-224-6676

clay@harperlittlelaw.com

cc:

Albert Lacour

126 Seven Farms Drive, Suite 200

Charleston, South Carolina 29492-8144

alacour@clawsonandstaubes.com

Attorney for Respondent

Appellant Ex. 1

mandy@harperlittlelaw.com

From: efiledonotreply@sccourts.org
Sent: Friday, June 19, 2020 12:06 PM
To: clay@harperlittlelaw.com
Cc: mandy@harperlittlelaw.com
Subject: Courtesy NEF RE: 2018CP1000262

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Jun 19 2020

SC Court of Appeals

***** IMPORTANT NOTICE - READ THIS INFORMATION *****

NOTICE OF ELECTRONIC FILING [NEF]

A filing has been submitted to the court RE: 2018CP1000262

Official File Stamp: 06-19-2020 01:06:08 PM
Court: CIRCUIT COURT
Common Pleas
Charleston
Case Caption: Marsh Waterproofing Inc VS ARC CAFEUSA001 LLC , defendant, et al
Document(s) Submitted: Letter/Letter
Notice/Other
- Exhibit/Filing of Exhibits
Filing/Other
Service/Certificate Of Service Certified Mail
- Exhibit/Filing of Exhibits
Filed by or on behalf of: Christopher Clay Olson

This notice was automatically generated by the Court's auto-notification system.

The following people were served electronically:

Albert A. Lacour, III for Marsh Waterproofing Inc
Christopher Clay Olson for Hamilton Management Services Company Inc, Steeple
Dorchester Ltd

The following people have not been served electronically by the Court. Therefore, they must be served by traditional means:

Hamilton Management Services Co Inc
Marsh Waterproofing

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**Appellant Ex. 2**

**Certificate of Electronic Notification**

| <b>Recipients</b>                                                              |
|--------------------------------------------------------------------------------|
| <b>Albert Lacour</b> - Notification transmitted on 06-22-2020 01:38:05 PM.     |
| <b>Christopher Olson</b> - Notification transmitted on 06-22-2020 01:38:05 PM. |

\*\*\*\*\* IMPORTANT NOTICE - READ THIS INFORMATION \*\*\*\*\*  
NOTICE OF ELECTRONIC FILING [NEF]

A filing has been submitted to the court RE: 2018CP1000262

Official File Stamp: 06-22-2020 01:37:45 PM  
 Court: CIRCUIT COURT  
 Common Pleas  
 Charleston  
 Case Caption: Marsh Waterproofing Inc VS ARC CAFEUSA001  
 LLC , defendant, et al  
 Document(s) Submitted: Appeal/Notice of Appeal to Court of Appeals  
 - Exhibit/Filing of Exhibits  
 Letter/Letter  
 Service/Certificate Of Service  
 Filed by or on behalf of: Christopher Clay Olson

This notice was automatically generated by the Court's auto-notification system.

The following people were served electronically:

Albert A. Lacour, III for Marsh Waterproofing Inc  
 Christopher Clay Olson for Hamilton Management  
 Services Company Inc, Steeple Dorchester Ltd

The following people have not been served electronically by the Court. Therefore, they must be served by traditional means:

Hamilton Management Services Co Inc  
 Marsh Waterproofing

ELECTRONICALLY FILED - 2020 Jun 22 1:51 PM - CHARLESTON - COMMON PLEAS - CASE#2018CP1000262

**Appellant Ex. 3**

THE STATE OF SOUTH CAROLINA  
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APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

**SC Court of Appeals**

Hon. Frank R. Addy, Jr., Circuit Court Judge

Case No. 2018-CP-10-00262

Marsh Waterproofing, Inc.

Respondent,

v.

Steeple Dorchester, Ltd. and  
Hamilton Management  
Services Company, Inc,

Appellants.

**PROOF OF SERVICE**

I certify that I have served the Notice of Appeal on Marsh Waterproofing, Inc., by E-mail, on June 10, 2020, addressed to its attorney of record, Albert A. Lacour at [ALacour@clawsonandstaubes.com](mailto:ALacour@clawsonandstaubes.com).

June 19, 2019



C. Clay Olson, SC Bar No. 17007  
Harper Little, PLLC  
164 Market Street Suite 139  
Charleston, SC 29401  
[clay@harperlittlelaw.com](mailto:clay@harperlittlelaw.com)  
*Attorney for Appellant*

cc: Albert A. Lacour, III., Esq.  
CLAWSON and STAUBES, LLC  
126 Seven Farms Drive, Suite 200  
Charleston, South Carolina 29492-8144  
[alacour@clawsonandstaubes.com](mailto:alacour@clawsonandstaubes.com)  
*Attorney for Respondent*

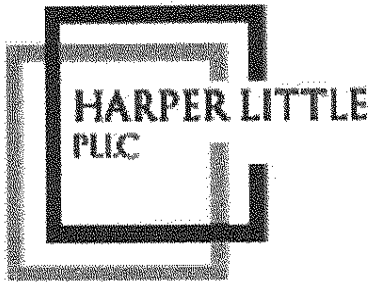
**mandy@harperlittlelaw.com**

---

**From:** mandy@harperlittlelaw.com  
**Sent:** Wednesday, June 10, 2020 11:15 AM  
**To:** 'Albert A. Lacour, III'; khunt@clawsonandstaubes.com  
**Cc:** clay@harperlittlelaw.com; 'Jim Saxton'  
**Subject:** Marsh Waterproofing, v. Steeple Dorchester, et al., C. No. 2018-CP-10-00262  
**Attachments:** Ltr to Lacour re NOA.pdf; Appellants' NOA Ex. No. 1 - 4.pdf; Notice of Appeal to COA - 6.8.20 (Steeple Dorchester).pdf

Mr. Lacour,

Attached please find correspondence from Clay Olson.



Mandy Dunaway, Paralegal  
800 College Hill Road, #5201  
P. O. Box 3150  
Oxford, Mississippi 38655  
p: 662.234.0320  
f: 662.259.8464  
mandy@harperlittlelaw.com

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**Jun 19 2020**  
**SC Court of Appeals**

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Jun 19 2020

SC Court of Appeals

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**Date:** 6/19/2020

**To:** 8037341839

**From:**

**Subject:** Marsh Waterproofing v. Steeple Dorchester, et al. C. No. 2018-CP-10-00262

I inadvertently left out two (2) pages from the initial fax filing I forwarded to your office earlier today. I have this day mailed the original with correct payment and documents to the address of the Court of Appeals.

Thank you for your attention to this matter.

<<https://www.harperlittlelaw.com/>>

Mandy Dunaway, Paralegal

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**SC Court of Appeals**

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Services Company, Inc.

Appellant.

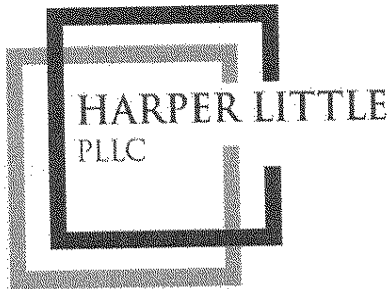
PROOF OF SERVICE

I, C. Clay Olson, on behalf of Appellant, hereby certify that a copy of the *Appellant's Motion for Permission to File Late* was sent to all counsel of record on July 28, 2020, via AIS E-Mail to the Attorney for Respondent, Albert A. Lacour, III, at [alacour@clawsonandstaubes.com](mailto:alacour@clawsonandstaubes.com).

*/s/ C. Clay Olson*

C. Clay Olson, SC Bar No. 17007  
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164 Market Street Suite 139  
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Charleston, South Carolina  
July 28, 2020



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James D. Harper\*  
Terry Little  
C. Clay Olson\*\*\*  
Lauren Olson\*\*\*

\*Also licensed in Alabama and Tennessee

\*\*\* Licensed in South Carolina

July 28, 2020

**RECEIVED**

**Jul 28 2020**

**SC Court of Appeals**

**Via Facsimile and US Mail**

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

**RE: Marsh Waterproofing, Inc., Respondent v. Steeple Dorchester, Ltd., et  
al., Appellants  
App. Case No. 2020-000921**

Dear Ms. Kitchings:

Please see accept this correspondence on behalf of Appellants, Steeple Dorchester, Ltd., and Hamilton Management Services Company, Inc., in submitting the following filings with the Court of Appeals Clerk's Office:

- (1) Appellants' Motion for Permission to File Late in regard to the Appellants' proof of service of the timely notice of appeal with the lower court;
- (2) Appellants' Exhibits 1-3 in support of its Motion for Permission to File Late;
- (3) Proof of Service on Respondent of Appellants' Motion for Permission to File Late; and
- (4) Check #5815 in payment of the motion filing fee of \$50.00.

With kindest regards, I am

Sincerely,

C. Clay Olson

cc: Albert A. Lacour III, Esq.

# Fax

---

**Date:** 7/28/2020  
**To:** 8037341839  
**From:**  
**Subject:** Marsh Waterproofing v. Steeple Dorchester, et al. C. No. 2018-CP-10-00262

Please find correspondence attached from Mr. Olson for filing regarding the above mentioned.

<<https://www.harperlittlelaw.com/>>

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