

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

Marsh Waterproofing, Inc.,

Respondent,

**RECEIVED**

v.

JUL 31 2020

**SC Court of Appeals**

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](mailto:clay@harperlittlelaw.com)

cc:

Albert Lacour

126 Seven Farms Drive, Suite 200

Charleston, South Carolina 29492-8144

[alacour@clawsonandstaubes.com](mailto: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

**RECEIVED**

**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

~~~ CONFIDENTIALITY NOTICE ~~~ This message is intended only for the addressee and may contain information that is confidential. If you are not the intended recipient, do not read, copy, retain, or disseminate this message or any attachment. If you have received this message in error, please contact the sender immediately and delete all copies of the message and any attachments.

**Certificate of Electronic Notification**

**Recipients**

**Albert Lacour** - Notification transmitted on 06-22-2020 01:38:05 PM.

**Christopher Olson** - 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

# Appellant Ex. 3

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

**RECEIVED**

**Jun 19 2020**

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*

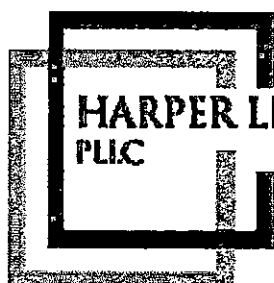
**mandy@harperlittlelaw.com**

---

**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

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

**CONFIDENTIALITY NOTICE**

The information contained in this e-mail message is legally privileged and confidential information intended only for the use of the individual or entity named above. Moreover, some or all of the content may be private or privileged. No such privilege is waived by your receipt of this e-mail in error. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this e-mail is strictly prohibited. If you have received this e-mail in error, please immediately notify us by return email and delete this message from your system.

# Fax

**RECEIVED**

**Jun 19 2020**

**SC Court of Appeals**

---

**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

800 College Hill Road, #5201

P. O. Box 3150

Oxford, Mississippi 38655

p: 662.234.0320

f: 662.259.8464

[mandy@harperlittlelaw.com](mailto:mandy@harperlittlelaw.com)

CONFIDENTIALITY NOTICE

The information contained in this e-mail message is legally privileged and confidential information intended only for the use of the individual or

entity named above. Moreover, some or all of the content may be private or privileged. No such privilege is waived by your receipt of this e-mail in error. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this e-mail is strictly prohibited. If you have received this e-mail in error, please immediately notify us by return email and delete this message from your system.

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

Marsh Waterproofing, Inc.,

Respondent,

v.

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

Appellant.

**RECEIVED**  
JUL 31 2020  
SC Court of Appeals

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  
Harper Little, PLLC  
164 Market Street Suite 139  
Charleston, SC 29401  
843-224-6676  
[clay@harperlittlelaw.com](mailto:clay@harperlittlelaw.com)

Charleston, South Carolina  
July 28, 2020



800 College Hill Road,  
Suite 5201  
P. O. Box 3150  
Oxford, MS 38655

P: 662.234.0320  
F: 662.259.8464

164 Market Street,  
Suite 139  
Charleston, SC 29401

P: 843.224.6676  
F: 662.259.8464

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

\*Also licensed in Alabama and Tennessee  
\*\*\* Licensed in South Carolina

July 28, 2020

**Via Facsimile and US Mail**

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

**RECEIVED**  
JUL 31 2020  
SC Court of Appeals

**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.

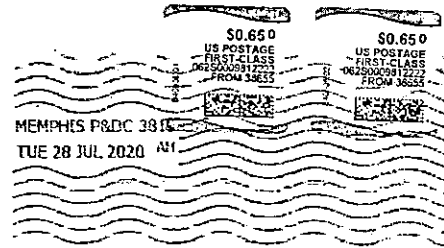
With kindest regards, I am

Sincerely,

C. Clay Olson

cc: Albert A. Lacour III, Esq.

Harper Little, PLLC  
P. O. Box 3150  
Oxford, Mississippi 38655



**RECEIVED**  
JUL 31 2020  
SC Court of Appeals

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

