

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**

**Aug 18 2020**

Marsh Waterproofing, Inc.,

Respondent,

**SC Court of Appeals**

v.

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

Appellants.

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), and hereby states the following in support of Appellants' Motion:

1. On June 29, 2020, this Honorable Court sent a letter addressed to the undersigned indicating the initiation of the present appeal. On the same day, the Court sent a deficiency letter

regarding an improper form of the Proof of Service of the notice of appeal having been timely served on the lower court.

2. Unfortunately, due to the safety concerns surrounding the Coronavirus Pandemic, the undersigned was predominantly operating remotely. As such, the undersigned did not receive either letter until after the ten-day deadline that was provided for in the deficiency letter had already passed.

3. On July 28, 2020, the undersigned filed a Motion for Permission to File Late with regard to correcting the inadvertent deficiency, which is included in the Record on Appeal and is currently pending disposition by this Honorable Court.

4. Counsel for Respondent has filed with this Court a formal letter consenting to the previous Motion for Permission to File Late and is already included in the Record on Appeal.

5. The undersigned presumed the deadline for the submission of the Appellants' Initial Brief and Designation of Matter would not be set until after the disposition of the previous Motion for Permission to File Late regarding the aforementioned deficiency correction.

6. The undersigned has communicated with opposing counsel its intention to file the present Motion, which opposing counsel consents to without objection as the grant of Appellants' Motion will not prejudice that of the Respondent in respect to its Reply Brief, and opposing counsel has agreed to file a formal letter with this Court indicating the same.

7. With apologies to this Honorable Court and opposing counsel for such inadvertence, the undersigned respectfully requests that the Appellants' Motion for Permission to File Late be accepted for service/filing and to be included on the Record on Appeal...

8. The undersigned humbly submits that there is good cause to grant the requested relief given that the Appellants' previous Motion and the present Motion have been consented to by opposing counsel and that the undersigned had all intentions to filing and serving its Initial Brief and Designation of Matter after a formal deadline was provided following the disposition of the Appellants' previous Motion.

WHEREFORE, Appellants, by and through the undersigned, move this Honorable Court to grant leave to file/serve their Motion for Permission to File Late to be included in the Record

on Appeal, and respectfully ask this Court likewise grant said Motion, thereby permitting the Appellants an extension for the late filing of the Appellants' Initial Brief and Designation of Matter. In doing so, Appellants request that an extension of no more than thirty (30) days following the filing date of this Court's Order granting said Motion, with all deference to the Court if it finds a shorter allocation of time to be more reasonable, in which case, Appellants respectfully ask for a grant of twenty (20) days from receipt of this Motion.

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)

August 18, 2020

cc:

Albert Lacour

126 Seven Farms Drive, Suite 200

Charleston, South Carolina 29492-8144

[alacour@clawsonandstaubes.com](mailto:alacour@clawsonandstaubes.com)

*Attorney for Respondent*

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v.

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Hamilton Management  
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Appellants.

PROOF OF SERVICE

I, C. Clay Olson, on behalf of Appellants, hereby certify that a copy of the Appellants' *Motion for Permission to File Late* in regard to Appellants' Initial Brief and Designation of Matter was sent to all counsel of record on August 18, 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  
August 18, 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

August 18, 2020

**RECEIVED**

AUG 24 2020

**Via AIS Electronic Filing**

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

**SC Court of Appeals**

**RE: Marsh Waterproofing, Inc., Respondent v. Steeple Dorchester, Ltd. And  
Hamilton Management Services Company, Inc., 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' Initial Brief and Designation of Matter;
- (2) Proof of Service on Respondent of Appellants' Motion for Permission to File Late; and
- (3) A check for payment of the motion filing fee of \$50.00 will be mailed separately along with a hard copy for filing.

With kindest regards, I am

Sincerely,

C. Clay Olson, Esq.

cc: Albert A. Lacour III, Esq.

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

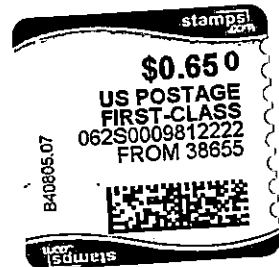
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AUG 24 2020

**SC Court of Appeals**

The Honorable Jenny Abbott Kitchings Clerk,  
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