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STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Richland County
In the Court of Common Pleas

Casey L. Manning, Presiding Judge

Case No. 2007-CP-40-6289

Ursula R. Pallares.....Appellant,

v.

Sharon R. Seinar and Lisa Maseng.....Respondents,

NOTICE OF APPEAL

Ursula R. Pallares appeals the orders of the Hon. Casey L. Manning, entered December 4th, 2008 and September 1st, 2011. Appellant received written notice of the entry of the final order on or about September 2nd, 2011.


JOHN D. (JAY) ELLIOTT
Attorney for Appellant
Post Office Box 607
1400 Main Street - Fifth Floor
Columbia, South Carolina 29202
Phone: (803) 252-9236
Fax: (803) 799-2079
E-Mail: jayel@mindspring.com

Columbia, South Carolina

September 29th, 2011

RECEIVED
OCT 07 2011

SC Court of Appeals

Other Counsel of Record:

Evans Taylor Barnette, Esquire
Attorney at Law
P.O. Drawer 11209
Columbia SC 29211-1209

Tobias G. Ward, Esquire
Attorney at Law
P.O. Box 6138
Columbia SC 29260

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Richland County
In the Court of Common Pleas

Casey L. Manning, Presiding Judge

Case No. 2007-CP-40-6289

Ursula R. Pallares.....Appellant,

v.

Sharon R. Seinar and Lisa Maseng.....Respondents,

CERTIFICATE OF SERVICE

Counsel certifies that the foregoing Notice of Appeal was served on counsel for all parties by depositing a copy of the same in the United States Mail, postage prepaid, and addressed as follows, on the 29th day of September, 2011:

Evans Taylor Barnette, Esquire
Attorney at Law
P.O. Drawer 11209
Columbia SC 29211-1209

Tobias G. Ward, Esquire
Attorney at Law
P.O. Box 6138
Columbia SC 29260


JOHN D. (JAY) ELLIOTT

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Columbia, South Carolina

October 7th, 2011

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OCT 07 2011

SC Court of Appeals

John D. Elliott

ATTORNEY AT LAW

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October 7th, 2011

HAND DELIVERED

Clerk, South Carolina Court of Appeals
1015 Sumter Street
Columbia, South Carolina

**RE: Ursula R. Pallares vs. Sharon R. Seinar & Lisa Maseng
Civil Action No. 2007-CP-40-6289**

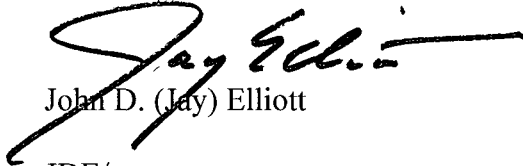
Dear Honorable Clerk:

Enclosed please find for filing the notice of appeal in this case, together with a certificate of service and the orders appealed from. I have also enclosed the filing fee of \$100.00.

As this matter was the subject of a memorandum and oral argument on dispositive motions, without the taking of any testimony, I do not plan to order the transcript of the proceedings, and will secure consent from opposing counsel to waive that requirement. I should have that resolved by Monday, October 10th, 2011.

Please note my appearance on behalf of the appellant, and by all means let me know if you need anything further to perfect this appeal.

Sincerely,



John D. (Jay) Elliott

JDE/

ENCL.

CC: TOBIAS G. WARD, ESQUIRE
EVANS TAYLOR BARNETTE, ESQUIRE
(CORRESPONDENCE ONLY)

RECEIVED
OCT 07 2011
SC Court of Appeals

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO: 2007CP4006289

Ursula R. Pallares

vs.

Sharon Ray Seinar

Plaintiff

Defendant

CHECK ONE:

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):**
 - Rule 12(b), SCRPC;
 - Rule 41(a), SCRPC (Vol. Nonsuit);
 - Rule 43(k), SCRPC (Settled);
 - Other:
- ACTION STRICKEN (CHECK REASON):**
 - Rule 40(j) SCRPC;
 - Bankruptcy;
 - Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
 - Other: _____

- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 - Affirmed; Reversed; Remanded; Other
- NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order; Statement of Judgment by the Court:

summary judgment for intentional infliction of emotional distress and invasion of privacy are denied

summary judgment for abuse of process, civil conspiracy, and code violations is granted

Dated at Columbia, South Carolina, this 2 day of December, 2008.

[Signature]

PRESIDING JUDGE

This judgment was entered on the _____ day of _____, 2008, and a copy mailed first class this 4th day of December, 2008, to attorneys of record or to parties (when appearing pro se) as follows:

John D. Elliott

Evans T Barnette
Tobias Gavin Ward Jr

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

RECEIVED

Amy W. McCulloch

SCRPC APP-24/FORM 4

OCT 07 2011

Clerk of Court

SC Court of Appeals

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	
COUNTY OF RICHLAND)	C/A No.: 07-CP-40-6289
)	
Ursula R. Pallares,)	
)	
Plaintiff,)	ORDER FOR PARTIAL
)	SUMMARY JUDGMENT
Vs.)	
)	
Sharon R. Seinar & Lisa A. Maseng,)	
)	
<u>Defendants</u>)	

RICHLAND COUNTY
 FILED
 2011 SEP - 1 AM 10: 52
 JEANETTE W. McBRIDE
 C.C.P. & G.S.

The Defendants, Sharon R. Seinar ("Seinar") and Lisa A. Maseng ("Maseng"), moved this court pursuant to Rule 56 of the South Carolina Rules of Civil Procedure for summary judgment as to the allegations of the malicious prosecution, abuse of process, invasion of privacy, intentional infliction of emotional distress, and civil conspiracy causes of action of the Plaintiff's Amended Complaint. The grounds for this motion were that the Plaintiff has suffered no cognizable damages and that there are no genuine issues of material fact such that Seinar and Maseng are entitled to judgment as a matter of law. After reviewing the pleadings, hearing the argument of counsel, and considering the evidence properly before the court, the court rules as follows:

1. MALICIOUS PROSECUTION

"To recover in an action for malicious prosecution, the plaintiff must show (1) the institution or continuation of original judicial proceedings, either civil or criminal (2) by, or at the instance of, the defendant (3) termination of such proceedings in plaintiff's favor (4) malice in instituting such proceedings (5) want of probable cause and (6) resulting injury or damage. The mere fact that the defendant was unsuccessful in the prior action has no bearing on the issue of probable cause." *Gaar v. North Myrtle Beach Realty Co.*,

Inc. 287 S.C. 525, 339 S.E.2d 887 (Ct.App.1986) (citations omitted). As for the element of "want of probable cause," the Court of Appeals has held that "[w]hen determining if probable cause exists, the court must consider the facts from the point of view of the party prosecuting. The question is not what the actual facts were, but what [the prosecuting party] honestly believed them to be." *Guider v. Churpeyes, Inc.*, 370 S.C. 424, 635 S.E.2d 562 (Ct. App. 2006) (citations omitted).

In the present case, the Plaintiff has failed to allege any material facts that would suggest that the Seinar and Maseng did not honestly believe they had probable cause to lodge their complaints.

ANIMAL NUISANCE

The record in this case shows that Seinar called Animal Control on three separate occasions to lodge complaints about the Plaintiff's dogs excessive barking with Columbia Police. Each police incident report on those complaints sets forth information detailing the existence of probable cause for each complaint. Indeed, the reporting officer recommended that Seinar pursue an arrest warrant based on prior complaints with the barking dogs. Columbia City Ordinance Section 4-70 states that an animal constitutes a nuisance if allowed or permitted to "bark, whine, howl, crow or crackle in an excessive, continuous or untimely fashion, or make other noise in such a manner so as to result in a serious annoyance or interference with the reasonable use and enjoyment of neighboring premises." Based on the incident reports, it is clear that Seinar had probable cause for each complaint. Under these undisputed facts, this court grants summary judgment in favor of both defendants.

CODE VIOLATIONS

It was undisputed that Seinar and Maseng made complaints with the City of Columbia for housing and code violations concerning the Plaintiff's property. The City then served the Plaintiff with warning notices of these violations, and the violations were thereafter remedied by the Plaintiff. The City affirmed Seinar's and Maseng's complaints by serving the Plaintiff warning notices of code violations, and thus it is clear Seinar and Maseng had probable cause to initiate the complaints. Also, the decision as to whether to enforce code violations after Seinar's and Maseng's complaints was made by the City, not Seinar and Maseng. Thus, because Seinar and Maseng had probable cause, this court grants summary judgment in favor of both defendants.

2. ABUSE OF PROCESS

"The abuse of process tort provides a remedy for one damaged by another's perversion of a legal procedure for a purpose not intended by the procedure." *Guider v. Churpeyes, Inc.* 370 S.C. 424, 635 S.E.2d 562 (Ct. App. 2006) (citations omitted). "The essential elements of abuse of process are an ulterior purpose and a willful act in the use of the process not proper in the conduct of the proceeding. An ulterior purpose exists if the process is used to gain an objective not legitimate in the use of the process. The improper purpose usually takes the form of coercion to obtain a collateral advantage, not properly involved in the proceeding itself. Regardless, there is no liability when the process has been carried to its authorized conclusion, even though with bad intentions." *Id.*

In the present case, the only evidence was that City found probable cause for the complaints in both the animal nuisance and code violations, and that the complaint

process initiated by Seinar and Maseng were carried to its authorized conclusion. Even if Seinar and Maseng had an ulterior motive, the Plaintiff has failed to present evidence to suggest that there was a "willful act" by Seinar and Maseng. A "willful act" comprises three components: (1) a willful or overt act, (2) in the use of the process, (3) that is improper because it is either (a) unauthorized or (b) aimed at an illegitimate collateral objective. *Food Lion, Inc. v. United Food & Commercial Workers Intern. Union*, 351 S.C. 65, 71, 567 S.E.2d 251, 254 (2003). The Supreme Court has held that the collective actions of filing and amending a complaint, taking formal and informal discovery, taking depositions, filing a motion to release from a Confidentiality Order, and filing non-privileged publication of various allegations for collateral purposes fail to meet the second element of the abuse of process. *Id.* at 72, 567 S.E.2d at 254. Additionally, the District Court of South Carolina has held the court cannot infer improper acts from the existence of an improper motive alone. *Cosby v. Legal Services Corp.*, 2006 WL 4781412, 5 (D.S.C). Moreover, bad motive, standing alone, is insufficient to assert a claim for abuse of process. *Id.* The Plaintiff has failed to present any evidence that satisfies the willful act element. Therefore, the court grants summary judgment in favor of Seinar and Maseng on the issue of abuse of process.

3. INVASION OF PRIVACY

The Plaintiff next alleges that the "defendants' conduct in causing government authorities to enter her premises and private life willfully and maliciously constitutes a wrongful intrusion into the plaintiff's private activities in such a manner as to outrage or cause mental suffering, shame and humiliation to a person of ordinary sensibilities." The tort of wrongful intrusion into private affairs, consists of the following elements,

which must be pleaded and proved: (1) Intrusion (2) into that which is private (3) substantial and unreasonable enough to be legally cognizable (4) that was intentional. *Snakenberg v. Hartford Cas. Ins. Co., Inc.* 299 S.C. 164, 383 S.E.2d 2 (S.C.App.1989).

This court concludes that the defendants' motion for summary judgment on the issue of invasion of privacy based on the absence of evidence that the Plaintiff's damages were so severe "as to outrage or cause mental suffering, shame and humiliation to a person of ordinary sensibilities" should be denied at this time.

4. INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

"To establish the tort of intentional infliction of emotional distress, or outrage, the plaintiff must establish the following: (1) the defendants intentionally or recklessly inflicted severe emotional distress, or knew that distress would probably result from his conduct; (2) the defendants' conduct was so extreme and outrageous that it exceeded all possible grounds of decency and was furthermore atrocious, and utterly intolerable in a civilized community; (3) the actions of the defendants caused the plaintiff's emotional distress; and (4) the emotional distress suffered by the plaintiff was so severe that no reasonable person could be expected to endure it. *Dye v. Gainey* 320 S.C. 65, 463 S.E.2d 97 (Ct.App.1995) (citations omitted).

This court concludes that the defendants' motion for summary judgment on the issue of intentional infliction of emotional distress should be denied at this time.

5. CIVIL CONSPIRACY

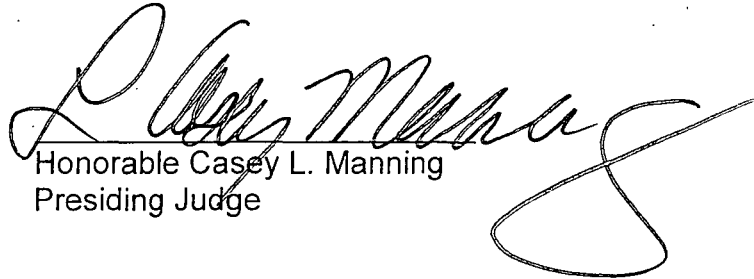
The elements a plaintiff must demonstrate in order to prove civil conspiracy include: (1) the combination of two or more people; (2) for the purpose of injuring the plaintiff; (3) causing special damages. *Moore v. Weinberg* 373 S.C. 209, 644 S.E.2d 740 (Ct. App. 2007) (citations omitted).

The Supreme Court of South Carolina has held that there is no cause of action for civil conspiracy when the claim “does no more than incorporate the prior allegations and then allege the existence of a civil conspiracy.” *Vaught v. Waites*, 300 S.C. 201, 209, 387 S.E.2d 91, 95 (1989). In the present case, the Plaintiff has failed to allege additional allegations beyond merely asserting the prior allegations as though they constitute civil conspiracy. The Plaintiff admits that the civil conspiracy wrongdoing is no different from the allegations in the other complaints (Exhibit C, p. 55). In addition, the Plaintiff has failed to allege any special damages. The Plaintiff admits that the damages from civil conspiracy are “all connected” to the damages alleged throughout the other complaints (Exhibit C, p. 55-56). Also, the plaintiff has not presented evidence of monetary damages (Exhibit C, p. 48-49). Therefore this court finds that the Plaintiff has failed to offer evidence of any special damages, and has not even presented allegations sufficient to support civil conspiracy, and therefore, grants summary judgment in favor of Seinar and Maseng on the claim for civil conspiracy.

CONCLUSION

For the reasons stated above, this court grants the defendants, Seinar and Maseng, summary judgment as to the Plaintiff's abuse of process, civil conspiracy and malicious prosecution causes of action, and denies summary judgment as to the Plaintiff's intentional infliction of emotional distress and invasion of privacy causes of action.

Aug 31, 2010.
2011


Honorable Casey L. Manning
Presiding Judge



The South Carolina Court of Appeals

TANYA A. GEE
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

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October 28, 2011

John D. (Jay) Elliott, Esquire
P.O. Box 607
1400 Main Street, 5th Floor
Columbia, SC 29202

Re: Pallares, Ursula v. Seinar, Sharon
Case #2011201026

Dear Counsel:

This office has received your Notice of Appeal in the above matter. It has been assigned the Case Tracking Number that appears above. Please use this number on all future correspondence relating to this matter.

I do wish to call the attention of the parties to the attached order relating to the inclusion of personal data identifiers and other sensitive information in documents filed with the Supreme Court of South Carolina and the South Carolina Court of Appeals. Please note that the responsibility for insuring that information is redacted or sealed as required by this order rests with counsel and the parties. This office will not review filings for redaction or to determine if materials should be sealed.

Very truly yours,

V. Claire Allen, Deputy
CLERK

TAG/jt

cc: Evans T. Barnette, Esquire
Tobias Gavin Ward, Jr, Esquire
The Honorable Jeanette W. McBride



The South Carolina Court of Appeals

TANYA A. GEE
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

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October 28, 2011

John D. (Jay) Elliott, Esquire
P.O. Box 607
1400 Main Street, 5th Floor
Columbia, SC 29202

Re: Pallares, Ursula v. Seinar, Sharon
Case #2011201026

Dear Counsel:

We have received your Notice of Appeal in the case noted above. This case will be docketed in the Court of Appeals and all communications concerning this case, including motions and petitions, initial and final briefs, and the Record on Appeal, should be directed to and filed in this Court. For all filings, please note the requirements of Rule 267(a) of the South Carolina Appellate Court Rules, and be further advised that Court of Appeals policy requires the firm name of any counsel shown must be included in his or her address.

We suggest that large parcels such as copies of final briefs and the Record On Appeal be sent directly to the Court via the street address: 1205 Pendleton Street; Columbia, S.C. 29201. Thank you for your attention to this. Failure to file in the proper court may result in the dismissal of your appeal.

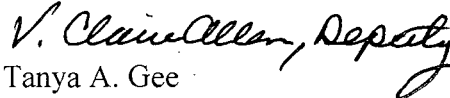
PLEASE BE ADVISED that, pursuant to Rule 207 of the South Carolina Appellate Court Rules, the transcript must be ordered within ten (10) days of the proof of service of the Notice of Appeal and you must provide this Court, opposing counsel, and the Office of Court Administration with all correspondence regarding the transcript. It is also Appellant's responsibility to make satisfactory arrangements (including agreement regarding payment for the transcript) with the Court Reporter for furnishing the transcript. You are reminded of the notification requirements of Rule 207(a)(5), SCACR, also, please advise the Court in writing upon receipt of the transcript.

NOTE: If you believe this case has been improperly filed in the Court of Appeals, by reason of the limitations set forth in S.C. Code Ann. Section 14-8-200(b)(1998), as

amended June 1, 1999, notify the Clerk's office of the Court of Appeals immediately. The cited Code Section prohibits the Court of Appeals from hearing appeals in seven classes of cases:

- 1) any final judgment from the circuit court which includes a sentence of death;
- 2) any final judgment from the circuit court setting public utility rates pursuant to Title 58;
- 3) any final judgment involving a challenge on state or federal grounds to the constitutionality of a state law or county or municipal ordinance where the principal issue is the constitutionality of the law or ordinance;
- 4) any final judgment from the circuit court involving the authorization, issuance, or proposed issuance of general obligation debt, revenue, institutional, industrial, or hospital bonds of the state, its agencies, political subdivisions, public service districts, counties, and municipalities or any other indebtedness now or hereafter authorized by Article X of the Constitution of this state;
- 5) any final judgment from the circuit court pertaining to elections and election procedure;
- 6) any order limiting an investigation by a State Grand Jury under S.C. Code Ann. Section 14-7-1630;
- 7) any order of the family court relating to an abortion by a minor under S.C. Code Ann. Section 44-41-33.

Very truly yours,


Tanya A. Gee
CLERK

TAG/jt

cc: Evans T. Barnette, Esquire
Tobias Gavin Ward, Jr, Esquire
The Honorable Jeanette W. McBride

John D. Elliott

ATTORNEY AT LAW

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November 7th, 2011

Clerk, South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

RECEIVED

NOV 09 2011

SC Court of Appeals

**RE: Ursula R. Pallares vs. Sharon R. Seinar & Lisa Maseng
Civil Action No. 2007-CP-40-6289**


Dear Honorable Clerk:

The appellant's initial brief and designation of the record is due this date. I believe counsel for the respondents have no objection to my foregoing the transcript of the oral argument before the circuit court on summary judgment, which is the subject of this appeal.

On behalf of the appellant, I respectfully request a thirty (30) day enlargement of time within which to file the initial brief and designation of the record, until December 7th, 2011. I have enclosed the motion fee of \$25.00.

Please let me know if this request is an unreasonable one.

Sincerely,


John D. (Jay) Elliott

JDE/

ENCL.

CC: TOBIAS G. WARD, ESQUIRE
EVANS TAYLOR BARNETTE, ESQUIRE



The South Carolina Court of Appeals

TANYA A. GEE
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

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November 16, 2011

Evans T. Barnette, Esquire
Johnson & Barnette, LLP
P.O. Drawer 11209
Columbia, SC 29211

Tobias Gavin Ward, Jr, Esquire
Tobias G. Ward, Jr., PA
P.O. Box 6138
Columbia, SC 29260

Re: Pallares, Ursula v. Seinar, Sharon
Case #2011201026

Dear Counsel:

We have received correspondence from the Appellant regarding transcripts for the above matter. Please provide this Court with a written confirmation of your decision to forgo the ordering of the transcript within ten (10) days from the date of this letter.

Very truly yours,

V. Claire Allen, Deputy
CLERK

TAG/jt

cc: John D. (Jay) Elliott, Esquire

LAW OFFICES
JOHNSON & BARNETTE, LLP
1230 RICHLAND STREET (29201)
POST OFFICE DRAWER 11209
COLUMBIA, SOUTH CAROLINA 29211-1209
TELEPHONE 803-799-9791
FAX 803-253-6084

EVANS TAYLOR BARNETTE

E-Mail: etbarnette@johnsonbarnette.com

November 18, 2011

The Honorable V. Claire Allen
Deputy Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

Re: Ursula R. Pallares v. Sharon Ray Seiner and Lisa A. Maseng
Civil Action No. 2007-CP-40-6289

Dear Deputy Clerk:

I represent Lisa Maseng in the above-referenced matter. I have no record of agreeing to forego the transcript of the oral argument before the circuit court on summary judgment which is the subject matter of this appeal.

Accordingly, I would respectfully request that the transcript of the oral argument before the circuit court on summary judgment be included in the record on appeal in this matter.

Respectfully yours,



Evans Taylor Barnette

ETB/sjm

cc: John D. Elliott, Esquire
Tobias G. Ward, Jr., Esquire
State Farm Fire & Casualty Company

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NOV 21 2011
SC Court of Appeals



The South Carolina Court of Appeals

TANYA A. GEE
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

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December 1, 2011

John D. (Jay) Elliott, Esquire
P.O. Box 607
1122 Lady Street
Columbia, SC 29202

Re: Pallares, Ursula v. Seinar, Sharon
Case #2011201026

Dear Counsel:

We have received correspondence from opposing counsel in the above matter regarding the transcript. Please provide this Court with an update regarding the status of the ordering of the transcript along with a Motion requesting to order the transcript out of time within ten (10) days from the date of this letter or your case may be dismissed.

Very truly yours,

V. Claire Allen, Deputy
CLERK

TAG/jt

cc: Evans T. Barnette, Esquire
Tobias Gavin Ward, Jr, Esquire

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Richland County
In the Court of Common Pleas

Casey L. Manning, Presiding Judge

Case No. 2007-CP-40-6289

RECEIVED
DEC 12 2011
S.C. Court of Appeals

Ursula R. Pallares.....Appellant,

v.

Sharon R. Seinar and Lisa Maseng.....Respondents,

MOTION FOR LEAVE TO ORDER TRANSCRIPT OUT OF TIME

Counsel for the appellant moves for leave to order the transcript of the proceedings below out of time, on the following grounds.

The transcript of the proceedings below consist of the arguments of counsel on the issue of the grant or denial of summary judgment. There was no testimony. Due to some miscommunication between appellant’s counsel and the respondents’ counsel, counsel for the appellant mistakenly assumed that opposing counsel did not require that the transcript of the proceedings below be reproduced as a part of the record on appeal.

Appellant’s counsel was in error, albeit an error made in good faith.

Counsel has now identified the court reporter responsible for transcription and has ordered a copy of the transcript. [See Attached.]

Counsel for appellant therefore respectfully requests that this court grant leave to order the transcript of the proceedings below, out of time, and concomitant with the motion, suspend briefing until receipt of the transcript from the court reporter.

GRANTED
JOHN CANNON FEW, C.J.
FOR THE COURT

By: K. Claire Allen
(Clerk) (Deputy Clerk)

John D. Elliott
JOHN D. (JAY) ELLIOTT
Attorney for Appellant
Post Office Box 607
1122 Lady Street - Fifth Floor
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Columbia, South Carolina

December 12th, 2011

FILED
1-9-12/11

RECEIVED
DEC 12 2011
S.C. Court of Appeals

CERTIFICATE OF SERVICE

Counsel certifies that the foregoing Motion was served on counsel for all parties by depositing a copy of the same in the United States Mail, postage prepaid, and addressed as follows, on the 12th day of December, 2011:

Evans Taylor Barnette, Esquire
Attorney at Law
P.O. Drawer 11209
Columbia SC 29211-1209

Tobias G. Ward, Esquire
Attorney at Law
P.O. Box 6138
Columbia SC 29260

John D. Elliott
JOHN D. (JAY) ELLIOTT
Attorney for Appellant

John D. Elliott

ATTORNEY AT LAW

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email jayel@mindspring.com

December 10th, 2011

Elizabeth Harris
414 Autumn Court
Columbia, SC 29206

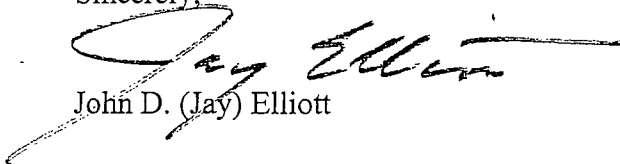
RE: *Ursula R. Pallares vs. Sharon Ray Seinar, et al.*
No. 2007-CP-40-6289
Appeal from Richland County; Judge L. Casey Manning
Date of Hearing: November 10th, 2008

Dear Ms. Harris:

You were the court reporter in this case, which is now on appeal with the South Carolina Court of Appeals.

We respectfully request production of the transcript of these proceedings, which was a non-jury motion. By all means let me know if you need a deposit to proceed, and contact me with any questions.

Sincerely,


John D. (Jay) Elliott

JDE/

CC: S.C. COURT OF APPEALS
EVANS BARNETT, ESQUIRE
TOBIAS G. WARD, JR., ESQUIRE

John D. Elliott

ATTORNEY AT LAW

THE NBSC BUILDING
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phone (803) 252-9236
fax (803) 799-2079
email jayel@mindspring.com

December 12th, 2011

HAND DELIVERED

Clerk, South Carolina Court of Appeals
1015 Sumter Street
Columbia, South Carolina

**RE: Ursula R. Pallares vs. Sharon R. Seinar & Lisa Maseng
Civil Action No. 2007-CP-40-6289**

Dear Honorable Clerk:

Enclosed please find for filing the original and six (6) copies of a motion to request the transcript of proceedings below, out of time. I have also enclosed the filing fee of \$25.00.

Please let me know if this request is an unreasonable one.

Sincerely,



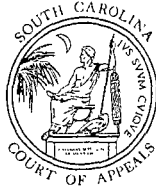
John D. (Jay) Elliott

JDE/

ENCL.

CC: TOBIAS G. WARD, ESQUIRE
EVANS TAYLOR BARNETTE, ESQUIRE

RECEIVED
DEC 12 2011
SC Court of Appeals



The South Carolina Court of Appeals

TANYA A. GEE
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1015 SUMTER STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
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January 9, 2012

John D. (Jay) Elliott, Esquire
P.O. Box 607
1122 Lady Street
Columbia, SC 29202

Re: Pallares, Ursula v. Seinar, Sharon
2011201026

Dear Counsel:

The following Order has been endorsed on your Motion for Leave to Order Transcript Out of Time in the above entitled case on appeal.

“Granted.

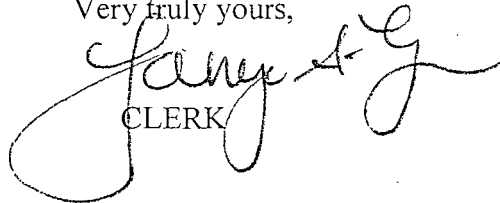
John Cannon Few, C.J.
For the Court

By s/ V. Claire Allen
Deputy Clerk

January 09, 2012.”

Please be advised it will be necessary for you to provide the court in writing of the date the transcript is received. The Appellant’s Initial Brief and Designation of Matter will be due thirty (30) days from the date of receipt of the transcript.

Very truly yours,


CLERK

TAG/jt

cc: Evans T. Barnette, Esquire
Tobias Gavin Ward, Jr, Esquire

John D. Elliott

ATTORNEY AT LAW

THE NBSC BUILDING
1122 LADY STREET, FIFTH FLOOR
Post Office Box 607
Columbia, South Carolina 29202

phone (803) 252-9236
fax (803) 799-2079
email jayel@mindspring.com

February 21st, 2012

Clerk, South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

RE: *Ursula R. Pallares vs. Sharon R. Seinar & Lisa Maseng*
Civil Action No. 2007-CP-40-6289
Tracking No. 2011201026

Dear Honorable Clerk:

This will confirm that I have received the transcript of the proceedings below on February 6th, 2012. I therefore calculate that the due date for the appellant's initial brief and designation of the record is Wednesday, March 7th, 2012.

Please let me know if this calculation is incorrect.

Sincerely,


John D. (Jay) Elliott

JDE/

CC: TOBIAS G. WARD, ESQUIRE
EVANS TAYLOR BARNETTE, ESQUIRE

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FEB 22 2012

SC Court of Appeals

John D. Elliott

ATTORNEY AT LAW

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1122 LADY STREET, FIFTH FLOOR
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Columbia, South Carolina 29202

phone (803) 252-9236
fax (803) 799-2079
email jayel@mindspring.com

March 7th, 2012

Clerk, South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

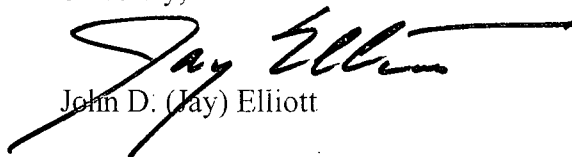
RE: *Ursula R. Pallares vs. Sharon R. Seinar & Lisa Maseng*
Civil Action No. 2007-CP-40-6289
Tracking No. 2011201026

Dear Honorable Clerk:

I find myself in need of additional time within which to file and serve the appellant's initial brief and designation of the record. Accordingly, I respectfully request an enlargement of thirty (30) days within which to do so, until Friday, April 6th, 2012.

I have enclosed the motion fee of \$25.00. Please let me know if this request is an unreasonable one.

Sincerely,



John D. (Jay) Elliott

JDE/

CC: TOBIAS G. WARD, ESQUIRE
EVANS TAYLOR BARNETTE, ESQUIRE

RECEIVED

MAR 08 2012

SC Court of Appeals

18
3/7/12
4/6/12

The South Carolina Court of Appeals

Ursula R. Pallarès,

Appellant,

v.

Sharon R. Seinar and Lisa Maseng,

Respondents.

The Honorable L. Casey Manning
Richland County
Trial Court Case No. 2007-CP-40-06289

ORDER

For good cause having been shown, the time for serving and filing Appellant's Initial Brief and Designation of Matter in the above entitled matter is hereby extended until April 20, 2012.

IT IS SO ORDERED.

JOHN CANNON FEW, CHIEF JUDGE
For the Court

BY

Jenny A. Kitchings
CLERK

Columbia, South Carolina

cc: John D. (Jay) Elliott, Esquire
Evans T. Barnette, Esquire
Tobias Gavin Ward, Jr, Esquire

FILED
4/12/12 LAF

John D. Elliott

ATTORNEY AT LAW

THE NBSC BUILDING
1122 LADY STREET, FIFTH FLOOR
Post Office Box 607
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April 6th, 2012

Clerk, South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

RE: *Ursula R. Pallares vs. Sharon R. Seinar & Lisa Maseng*
Civil Action No. 2007-CP-40-6289
Tracking No. 2011201026

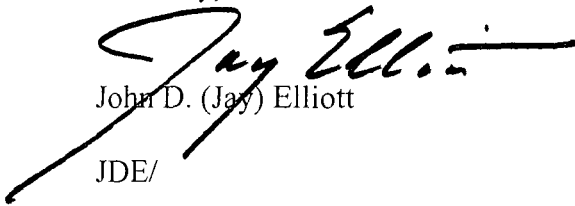
Dear Honorable Clerk:

The appellant's initial brief and designation of the record is due this date.

On behalf of the appellant, I respectfully request a brief enlargement of time within which to file the initial brief and designation of the record, until Monday, April 16th, 2012. I have enclosed the motion fee of \$25.00.

Please let me know if this request is an unreasonable one.

Sincerely,


John D. (Jay) Elliott

JDE/

ENCL.

CC: TOBIAS G. WARD, ESQUIRE
EVANS TAYLOR BARNETTE, ESQUIRE

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Richland County
In the Court of Common Pleas

Casey L. Manning, Presiding Judge

Case No. 2007-CP-40-6289

Ursula R. Pallares.....Appellant,

v.

Sharon R. Seinar and Lisa Maseng.....Respondents,

MOTION FOR ENLARGEMENT OF TIME

Counsel for the appellant moves for modest enlargement of time within which to file and serve the appellant's initial brief, on the following grounds.

The appellant's initial brief and designation of the record is due this date, April 6th, 2012. Counsel is a sole practitioner with an active trial and appellate practice. Counsel finds himself in need of additional time within which to review the record, research the issues and adequately brief them for this court.

Counsel for appellant therefore respectfully requests a modest enlargement of time within which to file and serve the initial brief and designation of the record, until Monday, April 16th, 2012.

Counsel has attempted to consult opposing counsel as to whether there is an objection to the enlargement sought, without success. Counsel is informed and believes there will be no objection to the enlargement sought.



JOHN D. (JAY) ELLIOTT
Attorney for Appellant
Post Office Box 607
1122 Lady Street - Fifth Floor
Columbia, South Carolina 29202
Phone: (803) 252-9236
Fax: (803) 799-2079
E-Mail: jayel@mindspring.com

Columbia, South Carolina

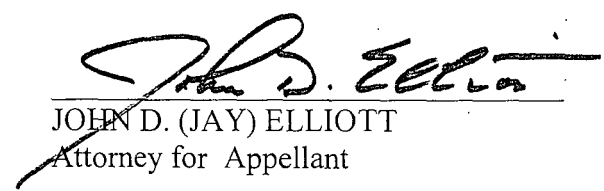
April 6th, 2012

CERTIFICATE OF SERVICE

Counsel certifies that the foregoing Motion was served on counsel for all parties by depositing a copy of the same in the United States Mail, postage prepaid, and addressed as follows, on the 6th day of April, 2012:

Evans Taylor Barnette, Esquire
Attorney at Law
P.O. Drawer 11209
Columbia SC 29211-1209

Tobias G. Ward, Esquire
Attorney at Law
P.O. Box 6138
Columbia SC 29260



JOHN D. (JAY) ELLIOTT
Attorney for Appellant



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
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April 17, 2012

John D. (Jay) Elliott, Esquire
P.O. Box 607
1122 Lady Street
Columbia, SC 29202

Re: Pallares, Ursula v. Seinar, Sharon
2011201026

Dear Counsel:

We have received your Motion for Enlargement of Time dated April 6, 2012 in the above matter. Please be advised, it will be necessary for you to provide the Court with a motion and proof of service with original signatures within ten (10) days of the date of this letter.

Very truly yours,

V. Claire Allen, Deputy
CLERK

JAK/ma

cc: Evans T. Barnette, Esquire
Tobias Gavin Ward, Jr., Esquire

FILED
AS 4/17/12