

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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JUL 12 2021

APPEAL FROM CHESTER COUNTY
Court of Common Pleas
Brian M. Gibbons, Circuit Court Judge

SC Court of Appeals

Appellate Case Np. 2021-000595

Ronald Gaines,

Appellant,

v.

Love & Charity Baptist Church

Respondent,

**MEMORANDUM IN OPPOSITION TO APPELLANT'S REQUEST FOR
PERMISSION TO ORDER TRANSCRIPT OUTSIDE OF FILING DEADLINES**

Respondent, Love & Charity Baptist Church, hereby requests that this Court deny the Appellant's Motion Requesting Permission to Order Transcript Outside of Filing Deadlines.

Rule 207 of the South Carolina Appellate Court Rules states that in appeals from the Court of Common Pleas, that the transcript must be ordered within ten (10) days after the date of service of the notice of appeal. A Notice of Appeal was filed on June 03, 2021. From then, the Appellant had ten (10) days, until June 13, 2021, to order the transcript in question. The Appellant did not order the transcript in question until he was prompted to do so by the Chief Deputy Clerk on June 21, 2021. The Appellant did not order the transcript in question until June 30, 2021, seventeen (17) days after the ordering deadline.

The Appellant is alleging inadvertent excusable neglect as the cause of his failure to order the transcript in question within the filing deadline. Respondent does not know of and has not found of any rule in the South Carolina Appellate Court Rules defining or elaborating on the standard for inadvertent excusable neglect. Therefore, we respectfully request that the standards for inadvertent excusable neglect from Rule 60 of the South Carolina Rules for Civil Procedure be applied in evaluating Appellant's motion.

Rule 60(b) of the South Carolina Rules for Civil Procedure enumerates the reasons for which a court may relieve a party or his legal representative from a final judgment, order, or proceeding. The Appellant lists without explanation inadvertent excusable neglect as his reasoning for failing to order the transcript in question within the filing deadline. Due to the lack of explanation for inadvertent excusable neglect and the inapplicability of the other enumerated reasons in SCRCP Rule 60(b), we respectfully request that the Court deny the Appellant's Motion Requesting Permission to Order Transcript Outside of Filing Deadlines.



D. Bradley Jordan
Jordan Law Firm, P.C.
546 E Main Street
Rock Hill, South Carolina 29730
(803) 817-7999
Attorney for Respondent

July 9, 2021
Rock Hill, South Carolina

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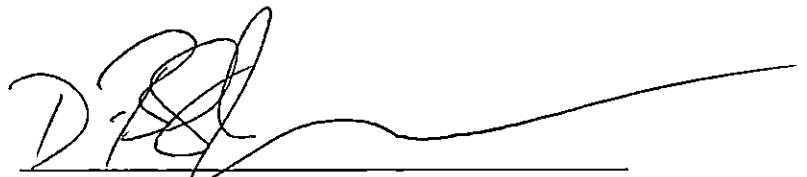
Love & Charity Baptist Church

Respondent,

PROOF OF SERVICE

I certify that I have served the MEMORANDUM IN OPPOSITION TO APPELLANT'S REQUEST FOR PERMISSION TO ORDER TRANSCRIPT OUT OF TIME by mailing a copy of the document to Appellant's Attorney of Record, Neil T. Phillips, on July 9, 2021.

Neil T. Phillips
The Law Office of Neil T. Phillips, LLC
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York, South Carolina 29745
Attorney for Appellant



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Attorneys and Counselors at Law

JUL 12 2021

SC Court of Appeals

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Chan M. Ahn**
Of Counsel

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July 9, 2021

Ms. Shelby Spencer
Appeals Specialist II
SC Court of Appeals
1220 Senate Street
Columbia SC 29201

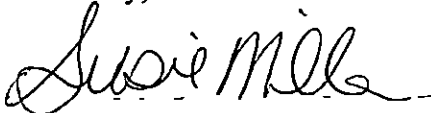
Re: Appellate Case No.: 2021-000595

Dear Ms. Spencer:

Enclosed please find the original and one copy of the Memorandum in Opposition to Appellant's Request for Permission to Order Transcript Outside of Filing Deadlines along with our Proof of Service to Neil T. Phillips, Attorney for Appellant. Please file the original and return the clocked copy to us in the self-addressed stamped envelope provided.

Thank you for your assistance in this matter.

Sincerely,

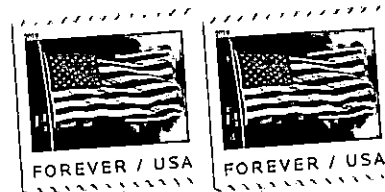


Susie Miller, Legal Secretary to
D. Bradley Jordan

JSM

Enclosures
cc: Neil T. Phillips

Jordan Law Firm, PC
PO Box 11785
Rock Hill SC 29730



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