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Dec 14 2021

SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from the Richland County Court of Common Pleas  
for the Fifth Judicial Circuit

Trevor Eddy, Esquire, Special Referee

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Circuit Case No. 2021-CP-40-03536

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Audra Hall,

Respondents,

v.

Merit Transport, Inc.,

Appellants.

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MOTION FOR LEAVE

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Appellant Merit Transport, Inc. ("Appellant") respectfully moves this Court for an order granting leave to permit the Special Referee to consider a pending Rule 60(b), SCRPC, motion. *See Exhibit A.* The Appellant would also respectfully request that this Court hold the current appeal in abeyance pending the Special Referee's ruling on the Rule 60(b) motion. Because the Rule 60(b) motion relates to a judgment already on appeal before this Court, this Court's leave is required in order for the motion to be heard and ruled upon by the Special Referee.

Therefore, Appellant respectfully requests this Court grant leave for the Special Referee to consider the Rule 60(b) motion.

*Signature on following page*

**ROGERS TOWNSEND, LLC**

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*Attorneys for Merit Transport, Inc.*

December 14, 2021  
Charleston, South Carolina

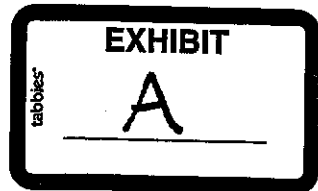
STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF RICHLAND	)	FIFTH JUDICIAL CIRCUIT
	)	
Audra Hall,	)	C.A. No.: 2021-CP-40-03536
	)	
Plaintiff,	)	
	)	
vs.	)	<b>DEFENDANT MERIT TRANSPORT,</b>
	)	<b>INC.'S MOTION FOR RELIEF FROM</b>
Merit Transport, Inc., and Kim Doe,	)	<b>JUDGMENT PURSUANT TO RULE</b>
	)	<b>60(b), SCRPC</b>
Defendants.	)	
	)	

**TO: BRETT D. WORON, ESQ., BRADLEY LEWIS LANFORD, ESQ., AND KENNETH EMANUAL BERGER, ESQ., ATTORNEYS FOR THE PLAINTIFF:**

YOU WILL PLEASE TAKE NOTICE THAT at such time and place as is set by the court, Defendant Merit Transport, Inc. ("Defendant"), by and through its undersigned counsel, will move before Special Referee Trevor Eddy, Esquire, ten (10) days after service hereof or as soon thereafter as counsel may be heard, for an Order setting aside the entry of default entered on September 20, 2021, and for an Order granting Defendant relief from the final order of default judgment entered on November 2, 2021, pursuant to Rule 60(b) of the South Carolina Rules of Civil Procedure.

This Motion will be supported by memoranda, affidavits, applicable rules, case law and statutes, the arguments of counsel, and any other material the Court may receive.

*Signature page to follow*



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*Attorneys for Merit Transport, Inc.*

Charleston, South Carolina

Date: December 2, 2021

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Appeal from the Richland County Court of Common Pleas  
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Circuit Case No. 2021-CP-40-03536

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Audra Hall,

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Appellant.

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**PROOF OF SERVICE**

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I certify that I have served the Appellant's Motion for Leave on Audra Hall by depositing a copy of it in the United States Mail, postage prepaid, on December 14, 2021, address to her attorneys of record, Kenneth Emanuel Berger and Bradley Lewis Lanford, 5205 Forest Drive, Columbia, South Carolina 29206 and Brett D. Woron, 1328 Richland Street, Columbia, South Carolina 29201.

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**SC Court of Appeals**

December 14, 2021

**VIA ELECTRONIC FILING (ctappfilings@sccourts.org)**

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

RE: Audra Hall, Respondent v. Merit Transport, Inc., Appellant, Case No. 2021-CP-40-03536

Dear Ms. Kitchings:

Enclosed for filing is a Motion for Leave in the above case. Also enclosed is the Proof of service of the Motion for Leave on the respondent.

The filing fee of \$50.00 will be delivered to your office via Federal Express.

With kindest regards I am,

Sincerely,

ROGERS TOWNSEND, LLC

*s/ Joseph J. Tierney, Jr.*

Joseph J. Tierney, Jr.

cc: Other Counsel of Record:

Kenneth Emanuel Berger, Esquire  
Bradley Lewis Lanford, Esquire  
Law Office of Kenneth E. Berger, LLC  
5205 Forest Drive  
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*Attorneys for Respondent*

and

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*Attorney for Respondent*

