

IN THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FORM GREENVILLE COUNTY
COURT OF COMMON PLEAS
Robin R. Stillwell, Judge

RECEIVED

APR 19 2013

SC Court of Appeals

Case No. 2011-204086

Deena L. Bettencourt and Scott Bettencourt,Appellant,

v.

Mary R. Wald,Respondent.

CONSENT MOTION FOR EXTENSION OF TIME TO SERVE AND FILE
RESPONDENT'S INITIAL BRIEF AND DESIGNATION OF MATTER

Counsel for the Respondent, with the consent of Counsel for the Appellant, hereby moves for an extension to serve and file the Respondent's Initial Brief and Designation of Matter in the present case.

I am requesting an extension of time, due to the fact that my trial schedule has been overwhelming. I am attaching Verdict Forms so as to indicate how frequently I have been in trial. For example, I tried the case of *Owens v. Edwards*, with that trial concluding on December 12, 2012. I then tried the case of *Latham v. Mason and Jones*, with that case concluding on January 16, 2013. I then tried the case of *Dawkins v. Watts*, with that matter concluding on January 23, 2013. I then tried the case of *Tucker v. Davis*, with that matter concluding on January 30, 2013. I then tried the case of *Mazyck v. Moose*, with that case concluding on February 11, 2013. Thereafter, I tried the case of *Tukes v. Harkness*, with that matter concluding on February 14, 2013. I then prepared for and was going to try the case of *Sullivan et all v. Sentell et all*. However, when the parties

entered the courtroom, the plaintiffs chose to dismiss the case. This took place on February 20, 2013.

Furthermore, I struck a jury in the case of *Gaviria v. Young* on March 19, 2013. I then tried that case on March 22, 2013.

Thereafter, on Thursday, March 28, 2013, I was advised that the case of *Rogers v. Moore and Burns* would be the first case to be tried, in Anderson County. This case was to go to trial on Monday, April 1, 2013.. Simultaneously, I was informed that the second case for trial, in Anderson County, was the case of *Turnage v. Brantley*. As a result, both of those cases had to be prepared for trial.

On April 1, 2013, I went to Court and Mr. Rogers decided to dismiss his case without trying the same. Regardless, I had spent the last few days preparing that case for trial. I then selected a jury with regard to the case of *Turnage v. Brantley*. Thereafter, I finalized the trial preparation for the same, as it was to be tried on Tuesday, April 2, 2013. I then appeared in Court on Tuesday, April 2, 2013 and that case was dismissed as a result of Mrs. Turnage failing to appear. Regardless, both of these cases required time to prepare them for trial, despite the fact that they actually didn't go to trial.

On Monday, March 25, 2013 a pivotal paralegal in my office got offered a job that, quite frankly, absolutely needed to take. As a result, the office was working towards her departure which took place on Friday, April 5, 2013. Since that date, our office has been working as half staff.

In essence, area Courts have kept me in their system to the extent that I have not been able to brief the issues in this case and that has not changed. At present, my staffing issues have made problems even more difficult.

These are extraordinary circumstances for which I have had no control. Just as important, I

would ask that the Court not only grant the extension, but also grant me at least a month's protection in Circuit Courts, as it doesn't appear that they are going to stop calling my cases to trial in the very near future.

This matter has been discussed with opposing Counsel and he consents to the request.

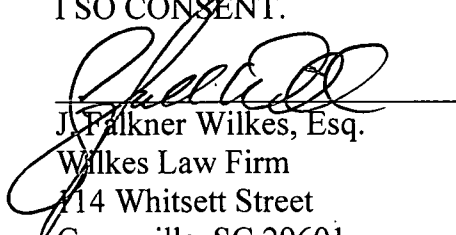
Respondent further moves that the time be held in abeyance pending the decision and ruling by the Court on this Motion.

I SO MOVE.



Marcus K. McGarr, Esq.
MARCUS K. MCGARR, P.A.
S.C. Bar No.: 011885
108 Whitsett Street
Greenville, S.C. 29601
Telephone: (864) 298-0089
Facsimile: (864) 235-0503
Counsel for Respondent

I SO CONSENT.



J. Falkner Wilkes, Esq.
Wilkes Law Firm
114 Whitsett Street
Greenville, SC 29601
864-282-1292
864-271-6035 Facsimile
Counsel for Appellant

April 17, 2013

Bench 10

Dec 11
10:00
Dec 12
9:00

CIVIL JURY TRIAL CASES

DATE: 12/12/12

TIME: 9:00am

CASE # 2008CV2310100247

DEFENDANT Steve Owens

ATTORNEY m. mcGarr

PLAINTIFF Daniel Edwards

ATTORNEY H. B. Fortson

JURY

1) (41) Kevin Lancaster ✓

2) (35) Linda Jenkins ✓

3) (9) Carmen Castano ✓

4) (17) Christina Dewar ✓

5) (68) Kirsten Stokley ✓

6) (81) Dionne Henderson ✓

ALTERNATES

1) (27) Wanda Littleland ✓

2) _____

FOREMAN Kirsten Stokley

VERDICT Kirsten Stokley 12-12-12

PLAINTIFF ✓

for the amount of \$ 1226.50

DEFENDANT _____

STATE OF SOUTH CAROLINA

COUNTY OF GREENWOOD

AMBER LATHAM,

Plaintiff,

vs.

JOSHUA MASON AND MERCEDES
OUZTS,

Defendants.

IN THE COURT OF COMMON
PLEAS

C.A. No.: 2010-CP-24-1331

VERDICT FORM

1. Did Plaintiff meet her burden of proving that Mercedes Ouzts was negligent?
(yes / no) [If the answer is "No," answer question number 2 only as it relates to
Defendant Mason. If the answer is "Yes," answer question 2 with respect to
both defendants.]

2. We, the jury, unanimously find that the Plaintiff has met her burden of proving
that she was injured and that her injuries were proximately caused by the
Defendants' conduct as to:

Defendant Joshua Mason (yes/ no)

Defendant Mercedes Ouzts (yes / no)

[If he answer is "Yes" for both Defendants, proceed to question 2(a). If the
answer is "Yes" as to *only one* Defendant, proceed to question 3. If the answer
is "No" for both Defendants, sign verdict form and alert bailiff.]

2(a) We, the jury, find that the Defendants contributed to the Plaintiff's injuries in
the following percentages (Note: total must be 100%):

Defendant Joshua Mason: _____ %

Defendant Mercedes Ouzts: _____ %

Total **100 %**

3. We, the jury, find for the Plaintiff in the sum of \$ # 3362.00 in actual damages.

R. Eric Fisher
R. Eric Fisher, Foreman

January 16, 2013
Greenwood, South Carolina

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)

IN THE COURT OF COMMON PLEAS
C.A. No.: 2011-CP-23-4585

James L. Dawkins and)
Delphine Dawkins,)

Plaintiffs,)

v.)

Troy Lee Watts, Jr.)
Defendant.)

VERDICT FORM

1. We the jury, by unanimous consent, find:

_____ for Plaintiff, James L. Dawkins, in the amount of:

\$ 0 actual damages.

_____ for Defendant, Troy Lee Watts, Jr.

2. We the jury, by unanimous consent, find:

_____ for Plaintiff, Delphine Dawkins, in the amount of:

\$ 0 actual damages.

_____ for Defendant, Troy Lee Watts, Jr.

January 23, 2013
Greenville, South Carolina

Deborah S. Quinn
Foreperson

812

FORM 4

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

JUDGMENT IN A CIVIL CASE
CASE NUMBER 2011CP4201226

Alfred C Tucker	Glenn Davis
PLAINTIFF(S)	DEFENDANT(S)

Submitted by:	Attorney for: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Self-Represented Litigant
---------------	---

DISPOSITION TYPE (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), SCRCP; Rule 41(a), SCRCP (Vol-Nonsuit);
 Rule 43(k), SCRCP (Settled); Other: _____
- ACTION STRICKEN (CHECK REASON): Rule 40(j) SCRCP; Bankruptcy; Other: _____
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):
 Affirmed; Reversed; Remanded; Other:

FILED
 CLERK OF COURT
 SPARTANBURG COUNTY
 2011 JAN 30 PM 1:34
 HOPE BLAUGLEY

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; (formal order to follow) Statement of Judgment by the Court:

VERDICT FOR PLAINTIFF IN THE AMOUNT OF SIX THOUSAND SIXTEEN AND NO/100 (\$6,016.00) DOLLARS

ORDER INFORMATION

This order ends does not end the case.

Additional Information for the Clerk:

COMPUTER 8

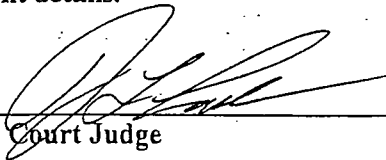
INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.


Circuit Court Judge

2135
Judge Code

1/30/2013
Date
FILED
CLERK OF COURT
SPARTANBURG COUNTY
2013 JAN 30 PM 1:34
M HOPE BLACKLEY

For Clerk of Court Office Use Only


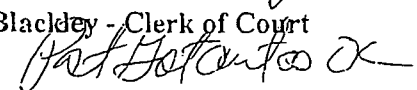
This judgment was entered on 1/30/13, and a copy mailed first class or placed in the appropriate attorney's box on 1/30/13, to attorneys of record or to parties (when appearing pro se) as follows:

George Brandt III 360 E. Henry St. Spartanburg, SC 29302

Marcus Kirk McGarr 108 Whitsett St. Greenville, SC 29601

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)


M Hope Blackley - Clerk of Court


Court Reporter

VERDICT FORM

MAGISTRATE COURT CIVIL JURY TRIAL

PLAINTIFF: Mary Mazyck

ATTORNEY: Trey Mills

DEFENDANT: Alexander Ryan Moose

ATTORNEY: Marcus McGarr

DATE OF TRIAL: 2/11/13

TIME: 1:30

JURORS

1. 16 Haley Galloway

2. 15 Aisha Gaines

3. 30 Judy McNeely

4. 19 Melissa Hazel

5. 51 Elmer Yates

6. 23 Sandra Lathem

7. 1 Amin Rahul (ALTERNATE)

8. 19 Lilly Brake (ALTERNATE)

VERDICT

We, the jury, find for the Plaintiff upon his/her claim in the amount of:
\$ _____, ACTUAL DAMAGES;

--OR--



We, the jury, find for the Defendant

Date: 2/11/13

SIGNED: Haley Galloway
JURY FOREPERSON

JUDGE: BSA

OF SOUTH CAROLINA
Y OF ANDERSON

IN THE COURT OF COMMON PLEAS
TENTH JUDICIAL CIRCUIT
2011-CP-04-1548

Stacy Tukes
Plaintiff,

v.

Edgar Harkness, Jr.
Defendant.

VERDICT FORM

Instructions: Mark the appropriate response to the following questions. Each response must be unanimous.

WE, THE JURY, BY UNANIMOUS CONSENT,

_____ FIND FOR THE PLAINTIFF ACTUAL DAMAGES IN THE
AMOUNT OF:

_____ (\$_____)
(Write out amount in words)

OR

FIND FOR THE DEFENDANT.

If you found for the Defendant, do not consider an award of Punitive Damages.

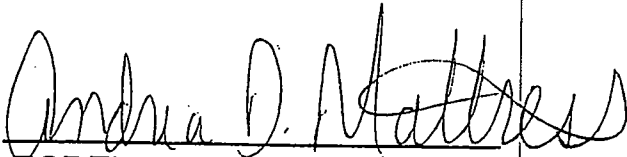
If you awarded Actual Damages in favor of the Plaintiff, you may consider an award of Punitive Damages for the Plaintiff, and may go on to Issue 2.

2. ON THE ISSUE OF PUNITIVE DAMAGES, WE THE JURY BY UNANIMOUS
CONSENT FIND:

_____ For the Plaintiff, In the Amount of (\$ _____) _____

Or

_____ For the Defendant



FOREPERSON

February 14, 2013
Anderson, South Carolina

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

JUDGMENT IN A CIVIL CASE
CASE NUMBER: 2011CP2307155

FEB 20 11 AM 10:31
CLERK OF COURT
COURT HOUSE
GREENVILLE, SC

David Ardell Sullivan	Carolann Mills Sullivan	David Nathaniel Sentell	Macks Pest Eliminators Inc
PLAINTIFF(S)		DEFENDANT(S)	

Submitted by:	Attorney for: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant
	<input type="checkbox"/> Self-Represented Litigant

DISPOSITION TYPE (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 43(k), SCRPC (Settled);
 - Rule 12(b), SCRPC;
 - Rule 41(a), SCRPC (Vol. Nonsuit);
 - Other: _____
- ACTION STRICKEN (CHECK REASON):**
 - Rule 40(j) SCRPC;
 - Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
 - Bankruptcy;
 - 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; (formal order to follow) Statement of Judgment by the Court:

ORDER INFORMATION

This order ends does not end the case.

Additional Information for the Clerk:

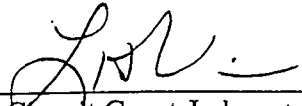
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If applicable, describe the property, including tax map information and address, referenced in the order:

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 Circuit Court Judge Letitia Verdin

2162 2/20/13
 Judge Code Date

For Clerk of Court Office Use Only

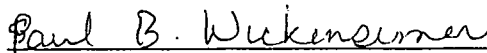
This judgment was entered on 2-20-13, and a copy mailed first class or placed in the appropriate attorney's box on 2-20-13, to attorneys of record or to parties (when appearing pro se) as follows:

Hal W. Roach 11 N. Irvine St. Greenville, SC 29601

Marcus Kirk McGarr Marcus K. McGarr, P.A. 108 Whitsett Street Greenville, SC 29601

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)



Paul B. Wickensimer Greenville County Clerk Of Court - Clerk of Court

Court Reporter Teresa Johnson



STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

)
)
)
)
)
)

2010CV2310101301

Case Number

IN THE MAGISTRATES COURT

VERDICT FORM

Julio Gaviria

Vs Donald C Young

PLAINTIFF(S)

DEFENDANT(S)

1. Was the Defendant negligent and was the Defendant's negligence, if any, a proximate cause of the Plaintiff's claimed damages?

YES

NO

(If yes, go to question 2; if no, you have reached a verdict).

2. Was the Plaintiff negligent and was his negligence, if any, a proximate cause of his own claimed damages?

YES

NO

(If no, go to question 3; if yes, go to question 4).

3. If you have answered question one "yes", state the amount of damages, if any, sustained by the Plaintiff. NOTE: Do not reduce the damages of the Plaintiff, if any, by the percentage of negligence attributed to him in Question number 4.

\$ 0

4. If you answered "yes" to questions 1 and 2, then you are to answer this question: Taking the combined negligence that proximately caused the losses as 100%, what percentage of that negligence was attributable to the Defendant and what percentage was attributable to the Plaintiff?

a. Percentage of combined negligence attributable to Defendant: 50 %

b. Percentage of combined negligence attributable to Plaintiff: 50 %

R. Kinard Johnson, Jr.
Foreperson Signature Date

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

FORM 4

JUDGMENT IN A CIVIL CASE

A TRUE COPY

CASE NO. 2010 CP-04-04126

APR - 2 2013

Sandra Rogers

George C. Moore, et al

PLAINTIFF(S)

DEFENDANT(S)

Patricia A. Hester
 CLERK OF COURT

Submitted by:

Attorney for : Plaintiff Defendant
 or
 Self-Represented Litigant

DISPOSITION TYPE (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. See Page 2 for additional information.
- 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 (formal order to follow) Statement of Judgment by the Court: At the call of the case, Plaintiff moved for a voluntary dismissal of the Complaint, which was granted.

ORDER INFORMATION

This order ends does not end the case.
 Additional Information for the Clerk :

Non-Suit
RLM

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
		\$
		\$
		\$

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The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

FILED - CLERK'S OFFICE
 ANDERSON, SC
 APR 1 9 51 AM '13
 COMMON PLEAS AND GENERAL SESSIONS
 4-1-13

[Signature]
 Circuit Court Judge

2155

Judge Code

Date

For Clerk of Court Office Use Only

This judgment was entered on the _____ day of _____, 20____ and a copy mailed first class or placed in the appropriate attorney's box on this day of _____, 20____ to attorneys of record or to parties (when appearing pro se) as follows:

Donald L. Chuck Allen
PO Box 2861

Anderson, SC 29622

ATTORNEY(S) FOR THE PLAINTIFF(S)

Marcus K. McGarr

108 Whitsett Street; Greenville, SC 29615

Raymond A. Tate, Jr., PO Box 2861
Anderson, SC 29622

ATTORNEY(S) FOR THE DEFENDANT(S)

CLERK OF COURT

FILED-CLERK'S OFFICE
ANDERSON SC
2013 APR 25 A 9:51
COMMUNICATIONS AND
CONFERENCES

Court Reporter:

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

A TRUE COPY

APR - 2 2013

Richard A. Hulley
CLERK OF COURT

IN THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FORM GREENVILLE COUNTY
COURT OF COMMON PLEAS
Robin R. Stillwell, Judge

Case No. 2011-CP-23-4086

Deena L. Bettencourt and Scott Bettencourt,Appellant,

v.


Mary R. Wald,Respondent.

CERTIFICATE

I certify that on April 17, 2013, I served Respondent's Consent Motion for an extension of time to serve on the Appellants by placing a copy of the same in the United States Mail, first class postage prepaid, addressed to counsel fo record and others indicated below:

J. Falkner Wilkes, Esq.
114 Whitsett Street
Greenville, SC 29601

Robert C. Childs, III, Esq.
The Childs Law Firm
2100 Poinsett Highway, Ste. D
Greenville, SC 29609



Marcus K. McGarr, Esq.
MARCUS K. MCGARR, P.A.
S.C. Bar No.: 011885
108 Whitsett Street
Greenville, S.C. 29601
Telephone: (864) 298-0089
Facsimile: (864) 235-0503
Counsel for Respondent

MARCUS K. MCGARR, P.A.

Attorney at Law
A Professional Association
108 Whitsett Street
Greenville, South Carolina 29601

Marcus K. McGarr, Attorney
Jill Wrenn, Paralegal
Amanda Garland, Paralegal

Bar No.: 011885
Telephone: (864) 298 - 0089
Facsimile: (864) 235 - 0503

April 17, 2013

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

RE: Deena L. Bettencourt and Scott Bettencourt, Appellants, v. Mary Wald, Respondent
Case No.: 2011-204086

Dear Ms. Kitchings:

I represent the Respondent in the above-referenced matter. As such, I will be briefing the case on behalf of the Respondent.

However, I am still in the middle of a grueling trial schedule and I am experience a staff change. It is for this reason that I would appreciate your consideration in granting me additional time in which to serve and file the Respondent's Initial Brief and Designation of Matter.

Please note that this request for extension is done so by consent. It also contains a request for protection.

As such, I am enclosing herewith an original and seven copies of a Consent Motion for extension of time, as well as a Certificate and filing fee. If this request meets with your approval, I would greatly appreciate your filing the same, clocking one of the copies, and returning that document to me via the enclosed stamped, self addressed envelope provided for your convenience.

Also, please note that by copy of this letter we are placing all counsel of record on notice of this request.

I appreciate your consideration with regard to this matter.

Sincerely,

MARCUS K. MCGARR, P.A.



Marcus K. McGarr

RECEIVED

APR 19 2013

SC COURT OF APPEALS

MKM/dam
Enclosures

cc: Robert C. Childs, II, Esq.
J. Falkner Wilkes, Esq.