

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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Jul 19 2022

APPEAL FROM GREENVILLE COUNTY
COURT OF COMMON PLEAS

S.C. SUPREME COURT

PERRY H. GRAVELY, CIRCUIT COURT JUDGE

Appellate Case No.: 2019-000009

Tyrin S. Young, Sr., Individually,
as PR of the Estates of Tyrin Young, Jr.
and Micah A. Young and as Legal
Guardian of J.Y. minor under the age of 14. Respondents,

v.

USAA General Indemnity Company Appellant.

MOTION TO REINSTATE

This Motion comes before the Court in response to the Court’s July 19, 2022, Order dismissing the above-referenced matter based on Appellant’s failure to timely file a petition for writ of certiorari and appendix, as required by an extension Order dated June 24, 2022. Appellant respectfully requests this Court reconsider its dismissal of the action and grant leave to reinstate the appeal pursuant to SCACR 260(a), as its failure to meet the filing deadline was caused by a clerical error in calendaring the proper deadline in accordance with the Court’s June 24, 2022, Order. Undersigned counsel mistakenly calendared a 30-day extension, which is what was requested, rather than the 20-day extension that was granted by the Court and did not realize her error as she was preparing for and participating in a date-certain trial in Circuit Court which began on the filing deadline date of July 11, 2022.

Counsel’s failure to timely was based purely on her mistake and was not done with any

intention to delay the proceedings or prejudice the parties in any way. Accordingly, based on the circumstances above, which Appellant respectfully submits qualifies as good cause, Appellant requests leave of Court to reinstate the appeal pursuant to Rule 260(a) and to file its Petition for Writ of Certiorari to continue its appeal.

CLAWSON and STAUBES, LLC

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