

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

68387

APPEAL FROM FAIRFIELD COUNTY
James R. Barber, III, Circuit Court Judge
2007-CP-20-0344

Case Tracking No. 2012-213277

Flossie Montgomery and
James Marcus Whitlark,

Respondents,

vs.

Dr. Eleanya Ogburu-Ogbonnaya,

Appellant.

MOTION FOR EXTENSION TO FILE
THE INITIAL BRIEF OF APPELLANT
AND DESIGNATION OF MATTER

RECEIVED

MAY 15 2013

SC Court of Appeals

Counsel for Appellant respectfully requests an extension of an additional thirty days in which to file the Initial Brief of Appellant and Designation of Matter in the above case. In support of this request, counsel will show:

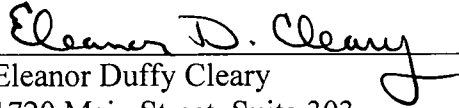
1.) The Initial Brief of Appellant and Designation of Matter in this case were originally due to be served and filed with the Court on April 10, 2013. Counsel was granted an extension until May 13, 2013 in which to file the Initial Brief.

2.) Due to family illness, counsel has not been able to finish the brief in a timely manner. Therefore, counsel respectfully requests an additional extension of thirty days from May 13, 2013 to serve and file this brief.

3.) This motion for an extension is not intended for the purpose of delay. Rather, this extension request is necessitated due to family illness. I have enclosed a check for the filing fee in the amount of \$25.00.

Based on the reasons above, counsel for Appellant respectfully requests an extension of thirty days in which to file the Initial Brief of Appellant and Designation of Matter in this case.

Respectfully submitted,


Eleanor Duffy Cleary
1720 Main Street, Suite 303
Columbia, SC 29201
(803) 376-0075
(866) 724-1965 (fax)
edcleary@att.net

May 13, 2013

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James R. Barber, III, Circuit Court Judge

Case No. 2007-CP-20-0344

Flossie Montgomery and
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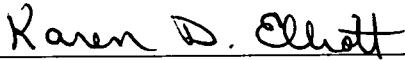
Dr. Eleanya Ogburu-Ogbonnaya,

Appellant,

PROOF OF SERVICE

I certify that I have served the Motion for Extension to File the Initial Brief of Appellant and Designation of Matter on Flossie Montgomery and James Marcus Whitlark by depositing a copy of the motion in the United States Mail, postage prepaid, on May 13, 2013, addressed to James Marcus Whitlark, PO Box 886, Columbia, SC 29202 and Christopher S. Leonard, PO Box 886, Columbia, SC 29202, the attorneys of record,

May 13, 2013



Karen Dumas Elliott
Paralegal to Eleanor Duffy Cleary
1720 Main Street, Suite 303
Columbia, SC 29201
(803) 376-0075



LAW OFFICE OF

ELEANOR DUFFY CLEARY

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May 13, 2013

The Honorable Jenny Abbott Kitchens
Clerk of Court
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Re: Flossie Montgomery & James Marcus Whitlark v. Dr. Eleanya Ogburu-Ogbonnaya
2007-CP-20-0344
Appellate Case No.: 2012-213277

Dear Ms. Kitchens:

Enclosed please find the original and seven copies of the Motion for Extension to File the Initial Brief of Appellant and Designation of Matter in the above referenced case. Please send a clocked in copy back to me in the enclosed self-addressed stamped envelope.

Thank you for your assistance in this matter. If additional information is needed please do not hesitate to contact me.

Sincerely,

Eleanor Duffy Cleary
Attorney for Appellant

cc: James Marcus Whitlark
Christopher S. Leonard

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SC Court of Appeals