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Jul 29 2022

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM ANDERSON COUNTY
Court of Common Pleas

J. Cordell Maddox, Jr, Judge

Case No. 2017-CP-04-02099
Appellate Case No. 2020-000421.

John Harbin,

Appellant,

v.

April Blair, Tracy Dunn, HUB Enterprises, Inc.,
Shawn Conway, Gallivan White & Boyd,
Sam Nikopoulos, and John Doe,

Respondents,

**MOTION FOR EXTENSION OF TIME TO FILE PETITION FOR
REHEARING AND SUGGESTION FOR REHEARING EN BANC**

On July 20, 2022, this Court rendered a decision affirming the Orders of the Lower Court in the above-referenced matter. It is the undersigned's objective to file a Petition for Rehearing along with a Suggestion for Rehearing En Banc. Due to the belief that there has been no frivolous action taken in any South Carolina court by the undersigned, it is imperative that counsel illustrate that a material fact or principle of law has either been overlooked or disregarded, and consequently, there is a basis for granting a rehearing. In order to best present this basis, it is necessary to respectfully request the Court extend the time for filing said Petition.

Due to the complexity of the facts and issues involved in this present case, Appellant prays for additional time of five (5) days from August 1, 2022 (based on the fact July 31, 2022, is Sunday), until August 5, 2022, to review the arguments previously made, and their factual and legal support, in the litigation to this point. Appellant seeks this extension of time to be able to prepare a cogent and succinct brief to aid this Court in its analysis of the issues presented.

This request is not sought for delay but so that justice may be done. Appellant prays

the lack of resulting prejudice to opposing counsel will allow the Court to grant this Motion.

s/Donald L. Smith

Donald L. Smith (SC Bar#6699)

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Anderson, SC 29621

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Pro Se

Anderson, South Carolina

July 29, 2022.

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**FORM 7
PROOF OF SERVICE**

THE STATE OF SOUTH CAROLINA
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John Harbin,

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April Blair, Tracy Dunn, HUB Enterprises, Inc.,
Shawn Conway, Gallivan White & Boyd,
Sam Nikopoulos, and John Doe,

Respondents,

PROOF OF SERVICE

Pursuant to Supreme Court of South Carolina's Amended Order 2020-05-29-02, I certify that I have served a copy of Appellant's Motion for Extension of Time to File Petition for Rehearing and Suggestion for Rehearing En Banc on HUB and Conway and GWB Respondents respectively, and Proof of Service, upon The Honorable Jenny Abbott Kitchings, Clerk of South Carolina Court of Appeals via the OneDrive Business of AIS, and the Respondents, by and through their respective counsel of record, via their respective email addresses as follows:

Ms. Jenny Abbott-Kitchings

ctappfilings@sccourts.org

Attorneys for Defendants Gallivan White & Boyd, PA and Sam Nikopoulos:

Mr. Alfred Johnston Cox, Esquire

jcox@gwblawfirm.com

Ms. Jessica W. Laffitte, Esquire

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Mr. Samuel W. Outten, Esquire

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Ms. Katie Elizabeth Towery, Esquire

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Attorneys for Defendants Shawn Conway and HUB Enterprise, Inc.

Mr. Robert Wilder Hart
Mr. Steven James Pugh

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Attorney for Defendant April Blair

Mr. James P. Walsh

jwalsh@clarksonwalsh.com

For Defendant Tracy Dunn

A copy of this Notice and Motion are served upon Defendant Tracy Dunn, by and through the Office of General Counsel, at his last known address at the South Carolina Department of Corrections, Post Office Box 21787, Columbia, SC 29221-1787, by depositing a copy of it in the United States Mail, postage prepaid, on July 29, 2022.

The above-mentioned documents have been served on July 29, 2020.

Anderson, South Carolina
July 29, 2022.

s/Donald L. Smith

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Attorney for Appellant

FORM 8
LETTER TO THE COURT OF APPEALS CLERK OF COURT
FILING APPELLANT'S MOTION FOR EXTENSION OF TIME TO FILE PETITION
FOR REHEARING AND SUGGESTION OF REHEARING EN BANC

July 29, 2022

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

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SC Court of Appeals

**RE: John Harbin v. April Blair, Tracy Dunn, HUB Enterprises, Inc., Shawn
Conway, Gallivan White & Boyd, Sam Nikopolous, and John Doe**
C.A. No. 2017-CP-04-02099
Appellate Case No. 2020-000421

Dear Ms. Kitchings:

Please find enclosed Appellant's:

1. Motion for Extension of Time to File Petition for Rehearing and Suggestion for Rehearing En Banc.
2. Form 7-Certificate of Service to HUB and Shawn Conway and GWB Respondents respectively, and Proof of Service of same.

Sincerely,

s/Donald L. Smith
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CC:

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Mr. Alfred Johnston Cox, Esquire
Ms. Jessica W. Laffitte, Esquire
Mr. R. Wilder Harte, Esquire
Mr. Steven J. Pugh, Esquire
Mr. James P. Walsh, Esquire
Mr. Tracy Dunn