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Aug 08 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 LEAVE TO ALLOW LATE FILING OF
RECORD ON APPEAL**

Appellant respectfully requests leave to file and serve out of time his Amended Petition for Rehearing and Suggestion for Rehearing En Banc on HUB and Conway and GWB Respondents in the above-mentioned case. In support of this request, Appellants state as follows:

Appellant's Petition for Rehearing was originally due on August 1, 2022. This Court graciously granted a request for an extension of time until August 5, 2022. The undersigned had protection for the period of August 1-5 to attend the South Carolina Association for Justice Annual Convention. This is also the undersigned's annual family vacation to Hilton Head, with a house rented from July 30 to August 6, 2022. The undersigned's obligations while under an Order of Protection.

Counsel for Appellant relies on the aforementioned reasons to justify having the immediate weekend to file his petition. Based on the fact there would be no prejudice on the opposing parties, and the inability to file an Amended Petition for Rehearing would cause grave injustice, Appellant prays for the requested relief. This request is not sought for delay but so that justice may be done. Therefore, Appellant respectfully requests this Honorable

Court to allow him to file and serve his petition on Monday, August 8, 2022.

Anderson, South Carolina
August 6, 2022.

s/Donald L. Smith

Donald L. Smith (SC Bar#6699)

122 N. Main Street

Anderson, SC 29621

Telephone: (864) 642-9284

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attorneydonaldsmith@gmail.com

Attorney for Appellant

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**FORM 7
PROOF OF SERVICE**

THE STATE OF SOUTH CAROLINA
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APPEAL FROM ANDERSON COUNTY
Court of Common Pleas

J. Cordell Maddox, Jr, Judge

Case No. 2017-CP-04-02099
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John Harbin,

Appellant,

v.

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 to Allow Late Filing of Amended Petition for Rehearing and Amended 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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spugh@richardsonplowden.com

Attorney for Defendant April Blair

Mr. James P. Walsh

jwalsh@clarksonwalsh.com

The above-mentioned documents have been served on August 6, 2022.

Hilton Head, South Carolina
August 6, 2022.

s/Donald L. Smith
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Anderson SC 29621
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attorneydonaldsmith@gmail.com
Attorney for Appellant

FORM 8
LETTER TO THE COURT OF APPEALS CLERK OF COURT FOR FILING OF
APPELLANT'S MOTION TO ALLOW LATE FILING OF HIS AMENDED PETITION
FOR REHEARING AND SUGGESTION OF REHEARING EN BANC

August 6, 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 to Allow Late Filing of Amended Petition for Rehearing and Suggestion for Rehearing En Banc.
2. Amended Petition for Rehearing and Suggestion for Rehearing En Banc.
3. 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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122 N. Main Street
Anderson SC 29621
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Attorney for Appellant

CC:

Mr. Samuel W. Otten, Esquire
Ms. Katie Towery, Esquire
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