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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Master-In-Equity

The Honorable Mikell R. Scarborough

Appellate Case No. 2022-185

Larry Gregg, Appellant,

v.

Herman Smalls, III, Izetta Shaw a/k/a Syvetta Smalls, John Doe and Jane Doe, as fictitious names for a class of unknown persons being incompetents, minors, person in military service to the United States of America, imprisoned, and/or under any other form of legal disability, including but not limited to unknown heirs, devisees, distributes, administrators, or personal representatives of deceased persons Herman Smalls, Jr. and Lamont Green and all other persons known or appear of record to have some right, title, interest in or lien upon the real estate described in the complaint herein

Of whom Herman Smalls, III and Izetta Shaw a/k/a Syvetta Smalls are Respondents

RESPONDENTS' MOTION TO REQUEST PERMISSION TO FILE THEIR FINAL BRIEF OUTSIDE OF THE DEADLINE SET FORTH IN RULE 211

Respondents' by and through their undersigned counsel, file this motion to request permission to file their Final Brief outside of the deadline set forth in Rule 211 of the SCACR.

Appellant's attorney filed a motion requesting an extension of time to file his Final Brief on August 16, 2022, which was granted. The Court extended the deadline for Appellant to file his Final Brief to September 14, 2022. Respondents' counsel was under the mistaken belief that since the time for Appellant to file his Final Brief had been extended that Respondents' time to file their Final Brief was also extended to September 14, 2022.

The Court emailed Respondents' counsel a letter addressed to Appellant's attorney on September 2, 2022 setting forth that Respondents' time for filing the Final Brief had expired. This letter was confusing since it was addressed to Appellant but referred to Respondents' Final Brief. Respondents' counsel contacted the Court and discovered that this letter should have been addressed to Respondents and the time for Respondents' Final Brief to be filed had expired.

Respondents' counsel apologizes for failing to file Respondents' Final Brief within the deadline set forth in Rule 211 of the SCACR and was an honest mistake. Respondents', by and through their undersigned counsel, respectfully request permission to file their Final Brief outside of the deadline set forth in Rule 211 of the SCACR.

Respectfully submitted on September 9, 2022.

s/ J. Chris Lanning
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