

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM YORK COUNTY  
In the Court of Common Pleas

S. Jackson Kimball, Special Circuit Court Judge

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Case No.: 2007-CP-46-00119

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J.W. NEAL CONSTRUCTION, LLC, ..... Respondent,

v.

CORNELIA THOMAS, ..... Appellant.

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MOTION FOR EXTENSION OF TIME,  
OR, TO FILE OUTSIDE TIME

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Pursuant to Rules 240 and 263(b), S.C.A.C.R., the Respondent, by its counsel herein, moves this Court for an order granting it an extension of time in which to file its Brief and Designation of Matter to be included in the Record on Appeal, or to file outside time, on the grounds stated below:

1. On January 4, 2013, counsel for Respondent was incapacitated and underwent a heart bypass operation. After the operation and during recovery, he was in a cardiac rehabilitation program, which ended in April. He is now back in his office on (basically) a full time basis.

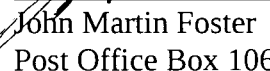
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SC Court of Appeals

2. In response to his last Motion, the Court allowed an extension for filing the Respondent's Brief through May 30, 2013.
3. Counsel for Respondent's secretary is absent on medical leave, and he is still attempting to catch up the delayed work in his office. This week was largely taken with filing the last documents for a grant of *Certiorari* in another appellate matter in the Supreme Court.
4. By this Motion, and based upon the facts recited above, counsel for Respondent respectfully requests a reasonable extension of time, not to exceed thirty (30) days, in which to submit the Respondent's Brief and Designation of Matter to be included in the Record on Appeal.

The basis of this Motion is the within-cited Rules, the records of this appeal, and any attached records, affidavits or stipulations of the undersigned, which items are hereby incorporated in this Motion.

WHEREFORE, the Respondent herein moves this Court for an extension of time in which to file its Initial Brief and Designation of Matter to be included in the Record on Appeal for an additional period, or to file outside time, as set forth above, pursuant to Rules 240 and 263(b), S.C.A.C.R.

May 31, 2013

  
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John Martin Foster  
Post Office Box 106  
Rock Hill, S. C. 29731-6106  
(803) 324-8100  
Attorney for Respondent

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CERTIFICATE OF SERVICE

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I certify that on May 31, 2013, I served this Motion for Extension of Time, or, to File Outside Time, and this Certificate of Service on the following counsel of record, parties or persons:

Herbert W. Hamilton  
Hamilton, Martens & Ballou, LLC  
Post Office Box 10940  
Rock Hill, South Carolina 29731  
Attorneys for Appellant

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by depositing the same with the United States mail, with sufficient first class postage attached, properly addressed to the clerk of the Court, and with a copy also directed to the respective last known address(es) of those attorney(s) and/or persons set out below; or

by hand delivering copies of the same to the following persons, or by leaving the same at that person's office with that person's clerk or some other person in charge thereof, or by leaving

it in a conspicuous place therein; of if the office was closed or the person to be served has no office, by leaving a copy at that person's dwelling place or usual place of abode with some person of suitable age and discretion then residing therein, all pursuant to Rule 233(b), S.C.A.C.R.

May 31, 2013

  
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John Martin Foster  
Post Office Box 106  
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(803) 324-8100  
Attorney for Respondent