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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM ANDERSON COUNTY
Court of Common Pleas

R. Lawton McIntosh, Judge

Case No. 2015-CP-04-00667
Appellate Case No. 2020-000070

Ex Parte: Donald L. Smith,
In Re: Greg Battersby,

Appellant,
Plaintiff

v.

J. Kirkman Moorehead, Krause, Moorhead &
Draisen, P. A.,

Respondents.

MOTION TO FILE OUT OF TIME

Appellant respectfully requests leave to file and serve out of time his Reply to Respondents' Response to Petition for Rehearing. In support of this request, Appellant state as follows:

Appellant seeks the time to reply to Respondents' Response to Appellant's Petition for Rehearing. Such an extension would not prejudice the Respondents.

s/Donald L. Smith
Donald L. Smith (SC Bar#6699)
2722 W. Whitner Street
Anderson, SC 29626
Telephone: (864) 642-9284
Facsimile: (864) 642-9285
attorneydonaldsmith@gmail.com
Attorney for Appellant

Anderson, South Carolina
November 2, 2022.

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**FORM 7
PROOF OF SERVICE**

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v.

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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 Reply to Respondent's Response to Petition for Rehearing, Motion to File Out of Time, Form 8, and Form 7-Proof of Service of same, upon The Honorable Jenny Abbott Kitchings, Clerk of South Carolina Court of Appeals, through the AIS, and the Respondents, by and through their respective counsel of record, via electronic mail in the addresses as follows:

Ms. Jenny Abbott-Kitchings

ctappfilings@sccourts.org

Attorney for Respondents

Mr. Steven M. Krause, Esquire

steve@krauselaw.org

Mr. Daniel I. Draisen, Esquire

daniel@injuredSC.com

Mr. Kirkman Moorhead, Esquire

kirk@mllawyers.com

The above-mentioned documents have been served on November 2, 2022.

s/Donald L. Smith

Donald L. Smith (Bar No.: 6699)

Attorney for Appellant

2722 W. Whitner Street

Anderson, SC 29626

Telephone: (864) 642-9284

Facsimile: (864) 642-9285

attorneydonaldsmith@gmail.com

Anderson, South Carolina
November 2, 2022.

FORM 8
COVER LETTER TO THE CLERK OF COURT FOR THE
COURT OF APPEALS FOR APPELLANT'S RESPONSE TO RESPONDENTS'
REPLY TO PETITION FOR REHEARING

November 2, 2022

The Honorable Jenny Abbott Kitchings
Clerk of Court South Carolina Court of Appeals
1220 Senate Street,
Columbia SC 29201

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SC Court of Appeals

RE: Donald L. Smith v. J. Kirkman Moorhead, Krause, Moorhead & Draisen, P.A.
(In relation to Gregg Battersby v. J. Kirkman Moorhead, et al.
C.A. No. 2015-CP-04-00667)

Dear Honorable Kitchings:

Please find enclosed the following documents for filing:

1. Appellant's Reply to Respondent's Response to Petition for Rehearing;
2. Motion to File out of Time;
3. Form 8; and,
4. Form 7.

Sincerely,

s/Donald L. Smith
Donald L. Smith, (Bar#6699)
2722 W. Whitner Street
Anderson SC 29626
Telephone: (864) 642-9284
Facsimile: (864) 642-9285
attorneydonaldsmith@gmail.com
Attorney for Appellant

Cc: Mr. Steven M. Krause, Esquire
Mr. Daniel L. Draisen, Esquire
Mr. Kirkman Moorhead, Esquire