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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

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 TO FILE OUT OF TIME

Appellant respectfully requests leave to file and serve out of time his Response to Respondents' Motions for Appellate Costs on Respondents in the above-mentioned case. In support of this request, Appellants state as follows:

Appellant seeks the time to respond to Respondents' requests for costs in a matter that was not frivolous. 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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SC Court of Appeals

**FORM 7
PROOF OF SERVICE**

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APPEAL FROM ANDERSON COUNTY
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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 to File Out of Time and proof of service of same upon The Honorable Jenny Abbott Kitchings, Clerk of the South Carolina Court of Appeals, 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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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

The above-mentioned documents have been served on October 31, 2022.

s/Donald L. Smith

Donald L. Smith, (Bar No.: 6699)

122 W. Whitner Street

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Facsimile: (864) 642-9285

attorneydonaldsmith@gmail.com

Attorney for Appellant

Anderson, South Carolina
October 31, 2022.

FORM 8
LETTER TO THE COURT OF APPEALS CLERK OF COURT
FOR FILING MOTION TO FILE OUT OF TIME

November 2, 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. Appellant's Motion to File Out of Time, and
2. Form 7-Proof of Service of same.

Sincerely,

s/Donald L. Smith

Donald L. Smith (Bar No.: 6699)

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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