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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
Court of Common Pleas

J. Derham Cole, Judge

Case No. 2019-CP-42-02092
Appellate Case No. 2020-001110

Luther Harris, Donna Harris,
Bobby Leopard and Jerry White,

Appellants,

v.

Perry W. Barbour and Southland Transportation, Co.,

Respondents.

MOTION TO FILE OUT OF TIME

Appellants respectfully request leave to file and serve out of time their Petition for Rehearing. In support of this request, Appellants state as follows:

Appellants seek the time to adequately prepare their petition. Appellants do not ask for this courtesy for the purpose of delay. Moreover, this extension would not prejudice the Respondents in any way.

s/Donald L. Smith

Donald L. Smith (SC Bar#6699)

2722 W. Whitner Street

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Telephone: (864) 642-9284

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attorneydonaldsmith@gmail.com

Attorney for Appellant

Anderson, South Carolina
November 17, 2022.

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**FORM 7
PROOF OF SERVICE**

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Appellants,

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Respondents.

PROOF OF SERVICE

Pursuant to Supreme Court of South Carolina's Amended Order 2020-05-29-02, I am serving a Motion to File Out of Time and Proof of Service, upon the Honorable Jenny Abbott-Kitchings, Clerk of Court of South Carolina Court of Appeals, and serving a copy of the same upon Respondents, by and through Mr. David L. Moore, Esquire, by email via the following addresses:

Ms. Jenny Abbott-Kitchings
Mr. David L. Moore, Esquire

ctappfilings@sccourts.org
DMoore@turnerpadget.com

s/Donald L. Smith
Donald L. Smith, (Bar No.: 6699)
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attorneydonaldsmith@gmail.com
Attorney for Appellant

Anderson, South Carolina
November 18, 2022.

FORM 8
LETTER TO THE COURT OF APPEALS CLERK
FILING MOTION TO FILE OUT OF TIME AND PROOF OF SERVICE

November 17, 2022

The Honorable Jenny Abbott Kitchings
Clerk of Court South Carolina Court of Appeals
Post Office Box 11629
Columbia SC 29211

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SC Court of Appeals

**RE: Luther Harris, Donna Harris and Bobby Leopard vs.
Perry Wendell Barbour and Southland Transportation Co.
C.A. No.: 2019-CP4202092
Appellate Case No. 2020-001110**

Dear Ms. Kitchings:

Please find attached the following documents for filing in the above-captioned case:

1. Motion to File Out of Time;
2. Proof of Service; and,
3. A \$50.00 check for the filing fee.

Sincerely,

s/Donald L. Smith

Donald L. Smith, (Bar No. 6699)

Attorney for Appellant

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Anderson, SC 29626

Telephone: (864) 642-9284

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cc:

Mr. David L. Moore, Jr., Esquire