

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

97621

APPEAL FROM SPARTANBURG COUNTY  
Court of Common Pleas

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NOV 21 2022

J. Derham Cole, Judge

SC Court of Appeals

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

Anderson, SC 29626

Telephone: (864) 642-9284

Facsimile: (864) 642-9285

attorneydonaldsmith@gmail.com

*Attorney for Appellant*

Anderson, South Carolina  
November 17, 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  
2722 W. Whitner Street  
Anderson, SC 29626  
Telephone: (864) 642-9284  
Facsimile: (864) 642-9285  
[attorneydonaldsmith@gmail.com](mailto:attorneydonaldsmith@gmail.com)

cc:

Mr. David L. Moore, Jr., Esquire

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cc:

Mr. David L. Moore, Jr., Esquire

Attorney Office of Donald Smith  
2722 W. Whitner St.  
Anderson SC 29626

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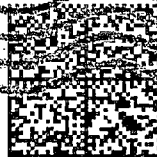
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SC Court of Appeals

The Honorable Jenny Abbott Kitchings  
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