

STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

Ralph P. Stroman, Special Referee

Case No. 2008-CP-26-6169

68473

Joseph E. Mason, Jr., Appellant

v.

Catherine L. Mason, Joseph E. Mason, Sr.,
Kathy St. Blanchard, Mason Holding Company, Inc.,
and Irwin Levine Respondents

RESPONDENT IRWIN LEVINE'S
MOTION FOR PERMISSION TO ACCEPT INITIAL BRIEF
AND DESIGNATION OF MATTER
OUT OF TIME

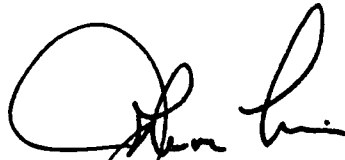
John M. Leiter, Esquire
LAW OFFICES OF JOHN M. LEITER, PA
1203 48th Avenue North, Suite 109
Myrtle Beach, South Carolina 29577
(843) 449-1451

RECEIVED
MAY 22 2013

SC Court of Appeals

Counsel for Respondent Irwin Levine ("Respondent Levine"), hereby respectfully moves this Court, pursuant to Rule 240, SCACR, to allow Respondent Levine to file his Initial Brief and Designation of Matter out of time. Respondent Levine has concurrently filed a Memorandum in Support of his Motion to show that good cause exists to allow him to file his Initial Brief and Designation of Matter out of time.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John M. Leiter", written over a horizontal line.

John M. Leiter, Esquire
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(843) 449-1451; (843) 449-4884 fax
Counsel for Respondent Irwin Levine

May 17, 2013

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RESPONDENT IRWIN LEVINE'S
MEMORANDUM IN SUPPORT OF
MOTION TO ACCEPT INITIAL BRIEF
AND DESIGNATION OF MATTER
OUT OF TIME

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MAY 22 2013

SC Court of Appeals

Counsel for Respondent Irwin Levine ("Respondent Levine"), hereby respectfully moves this Court, pursuant to Rule 240, SCACR, to allow Respondent Levine to file his Initial Brief and Designation of Matter out of time. In support of his request, Respondent Levine would show that good cause exists to allow him to file his Initial Brief and Designation of Matter out of time.

At Mr. Levine's request, on April 13, 2013, counsel filed a Motion to withdraw his representation of Mr. Levine. Thereafter, Mr. Levine reconsidered his decision and asked counsel if he could rehire him to continue representing him in this appeal.

Prior to agreeing to resume his representation, and after reviewing the South Carolina Appellate Court Rules, counsel, through his office, contacted the office of the Clerk of the Court of Appeals on April 11, 2013 for advice as to the deadline to file Respondent Levine's Initial Brief under these unusual circumstances. Counsel was not aware of, and had not seen, the letter to Respondent Levine from V. Claire Allen, Deputy Clerk, dated April 4, 2013 setting May 4th as the deadline for filing his Initial Brief.

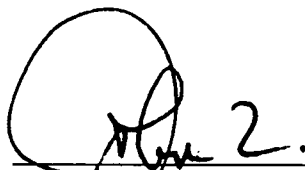
Counsel's office mistakenly understood the supervisor of the clerk assigned to this case, in a telephone conversation on April 16, 2013, to say that the Respondent's Initial Brief and Designation of Matter would be due thirty (30) days after the Respondent retained new counsel. Counsel relied on that date, and advised the Court by letter dated April 24, 2013 of his re-appearance on behalf of Mr. Levine, and confirmed in writing that he would file Respondent Levine's Initial Brief and Designation of Matter by May 24, 2013, thirty (30) days after counsel's notice of re-appearance. A copy of John M. Leiter's letter is attached hereto as Exhibit "A".

The appeal will not be unduly delayed by this request. The other Respondents filed their Initial Brief and Designation of Matter on May 6, 2013. Wherefore, Respondent Levine

contends that this appeal and the interest of justice will be served by granting Respondent Levine permission to file his Initial Brief and Designation of Matter out of time.

Wherefore, Respondent Levine prays that this Court enters an Order enlarging the time up to and including May 19, 2013 to submit his Initial Brief and Designation of Matter to be included in the Record on Appeal.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John M. Leiter", written over a horizontal line.

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Counsel for Respondent Irwin Levine

May 17, 2013

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PROOF OF SERVICE

I certify that I have served the Respondent Irwin Levine's Motion to Allow Initial Brief and Designation of Matter Out of Time by depositing a copy of it in the U.S. Mail on May 20, 2013, addressed to:

Robert Y. Knowlton, Esq., Haysworth Sinkler Boyd, PO Box 11889, Columbia, SC 29211-1889, attorneys for Appellant; and

J. Jackson Thomas, Esq. and Emma Ruth Brittain, Esq., Thompson & Brittain, P.A., PO Box 1290, Myrtle Beach, SC 29578, attorneys for Respondents Catherine L. Mason, Joseph E. Mason Sr., Kathy St. Blanchard and Mason Holding Company, Inc.

Suzy Pettipas, Paralegal
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May 20, 2013

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E-MAIL jleiter@48th.com

May 20, 2013

Honorable Jenny Abbott Kitchings
Clerk of the Court
South Carolina Court of Appeals
Post Office Box 116929
Columbia, South Carolina 29211

Re: *Joseph E. Mason, Jr. v. Catherine L. Mason, et al.*
Appellate Case No. 2012-21246

Dear Ms. Kitchings:

Enclosed herewith for filing please find the original and seven (7) copies of a **Motion for Permission to Accept Initial Brief and Designation of Matter Out of Time**, together with his **Memorandum in Support** and **Proof of Service** in the above-referenced matter. Please return one (1) file-stamped copy of each to me in the enclosed self-addressed, stamped envelope.

To cover the cost of filing this Motion, this firm's check in the amount of \$25.00 is also enclosed.

Thank you for your kind assistance in this regard.

Sincerely yours,

LAW OFFICES OF JOHN M. LEITER, PA



Suzy Pettipas
Paralegal

/smp
encl.

cc: Robert Y. Knowlton, Esq.
J. Jackson Thomas, Esq.
Emma Ruth Brittain, Esq.
Irwin Levine

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