

RECEIVED

Dec 13 2022

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

Opinion No. 2022-UP-397 (Filed November 2, 2022)
Appellate Case No. 2020-001110
Case No. 2019-CP-42-02092

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 submit a check out of time in order to perfect their Petition for Rehearing. In support of this request, Appellants state as follows:

Appellants seek the opportunity to have their case reheard. Appellants do not ask for this courtesy for the purpose of delay. They ask for matter to be heard on its merits, as opposed to not being heard due to a check's absence. 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
December 12, 2022.