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Feb 03 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM DORCHESTER COUNTY
COURT OF COMMON PLEAS
EDGAR W DICKSON, CIRCUIT COURT JUDGE

Appellate Case No. 2022-001070

Rosen Hagood, LLC,Respondent/Appellant,

v.

Albert T. Henson, Jr.,Appellant/Respondent,

**APPELLANT/RESPONDENT’S REPLY TO RETURN TO MOTION TO FILE BRIEF
OUT OF TIME**

Appellant/Respondent Albert T. Henson, Jr. (hereinafter “Mr. Henson”) submits this Reply to the Return filed by Respondent/Appellant Rosen Hagood and renews his request for this Court to accept and treat the filing of his responsive brief submitted on January 3, 2023 as timely filed.

As previously explained, the undersigned was retained by Mr. Henson on December 27, 2022, one day prior to the deadline for submission of his responsive brief. Mr. Henson acknowledges the responsive brief was late, but was the product of confusion on the part of the undersigned upon retention on the eve of relevant deadlines. This is not a situation where counsel failed to timely file a responsive pleading due to their own inaction.

Counsel for Mr. Henson made a good faith effort to timely file the responsive brief despite working under the mistaken belief that Mr. Henson’s return brief was due January 3, 2023. Upon learning of the late filing from Rosen Hagood, Mr. Henson then filed a Motion to File Brief Out

of Time to cure the error. Regardless of the reason for the late filing, Respondent/Appellant has not been prejudiced in any way by the five-day delay in filing, two days of which were holidays.

Wherefore, Mr. Henson respectfully requests for this Court to accept and treat the filing of the Initial Brief of Respondent filed on January 3, 2023 as timely filed.

Respectfully submitted,

s/ Desa Ballard
Desa Ballard (S.C. Bar No. 498)
Harvey M. Watson III (S.C. Bar No. 74053)
Haley Hubbard (S.C. Bar No. 103195)

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COUNSEL FOR APPELLANT/RESPONDENT
ALBERT T. HENSON JR.

February 3, 2023

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Rosen Hagood, LLC, Respondent/Appellant,

v.

Albert T. Henson, Jr., Appellant/Respondent,

PROOF OF SERVICE

I, Beth Cogan, an employee with Ballard & Watson, Attorneys at Law, do hereby certify that on February 3, 2023, I served a copy of the **Appellant/Respondent's Reply to Return to Motion to File Brief Out of Time** in the above-captioned case on the following individuals by electronic mail using their email address listed in the Attorney Information System, addressed as follows:

**F. Truett Nettles II, Esquire
Rosen Hagood LLC
tnettles@rosenhagood.com**


Beth Cogan, Paralegal

February 3, 2023
West Columbia, South Carolina

Beth Cogan

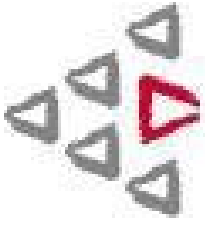
From: Beth Cogan
Sent: Friday, February 3, 2023 4:38 PM
To: F. Truett Nettles II
Cc: Desa Ballard; Haley Hubbard
Subject: (Rosen Hagood, LLC v. Albert T. Henson, Jr. 2022-001070) Ltr to COA encl Reply to Return to Motion to file out of time
Attachments: 2023 02 03 Ltr to COA encl reply to Return to Motion to File out of time.pdf; 2023 02 03 Reply to return to Motion to File out of Time.pdf; 2023 02 03 POS Reply to Return to Motion to File Out of Time.pdf

Good afternoon,

Please see the attached Reply to Return to Motion to File Out of time for the above-referenced matter that is being filed today.

Kindest Regards,
-Beth

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February 3, 2023

Via Email (ctappfilings@sccourts.org)
The Honorable Jenny Abbot Kitchings
Court of Appeals Clerk of Court
Post Office Box 11629
Columbia, South Carolina 29211

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SC Court of Appeals

Re: *Rosen Hagood, LLC v. Albert T. Henson, Jr.*
Appellate Case No.: 2022-001070

Dear Ms. Kitchings:

Please find enclosed for filing the **Appellant/Respondent's Reply to Return to Motion to File Brief Out of Time** in the above-referenced matter. By copy of this letter and as evidenced by the Proof of Service, these filing has been served upon counsel for the Respondent/Appellant.

Thank you for your time in this matter. If you have any questions, please do not hesitate to contact our office. With warm personal regards, I am,

Sincerely yours,

s/Desa Ballard

Desa Ballard
desab@desaballard.com

Enclosures

cc: *Via Email*
F. Truett Nettles II, Esquire
Al Henson