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Apr 12 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Commons Pleas

Alison Renee Lee, Circuit Court Judge

Case No. 2019-CP-40-01299
Appellate Case No. 2022-000447

Christopher Shimeld,

Appellant,

v.

Richland County Sheriff's Office,

Respondent.

**MOTION FOR LEAVE TO FILE OUT OF TIME, FILE CORRECTED RECORD
ON APPEAL, AND RESET DEADLINES FOR FINAL BRIEFS**

Appellant's counsel mistakenly left several exhibits out of the Record on Appeal and seeks leave to correct that mistake, as well as amend the final briefing deadlines.

Respondent designated a deposition counsel had filed on the record, along with the deposition exhibits. Counsel for Appellant included a number of exhibits in the Record on Appeal from the summary judgment motion and response, but did not realize there were exhibits to the investigator's deposition that were not included in those other two sets of exhibits.

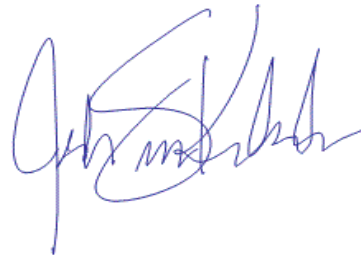
Counsel has corrected the Record on Appeal and added the missing exhibits. He has forwarded an electronic copy of the Record on Appeal to opposing counsel and plans to send the new record to the printer today. In order to accomplish these matters within an appropriate timeframe, counsel respectfully requests the following relief:

1. The Court accept this motion as timely filed, though it is filed outside of the deadline for final briefing.

2. The Court allow counsel to correct the Record on Appeal and file a new record with the corrections made.
3. The Court reset the final briefing deadlines for Monday, May 1 so the parties can complete the final briefs.

Counsel has communicated with opposing counsel and there are no objections to this motion. Based on the fact that all briefing is substantially completed and this delay should not affect the overall consideration of this case, as well as the important appellate rights at stake, counsel respectfully requests this Court grant the relief in this motion.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Joshua Snow Kendrick", written in a cursive style.

Joshua Snow Kendrick (SC ID 70453)
Christopher S. Leonard (SC ID 80166)
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CERTIFICATE OF SERVICE

Plaintiff Christopher Shimeld served the **MOTION FOR LEAVE TO FILE OUT OF TIME, FILE CORRECTED RECORD ON APPEAL, AND RESET DEADLINES FOR FINAL BRIEFS** on the opposing counsel listed below.

Andrew Lindemann, Esquire
andrew@ldlawsc.com

Service was accomplished this 12th day of April 2023 by electronic mail and will be mailed via United States Postal Service if requested by counsel.

Respectfully Submitted,

s/ Joshua Snow Kendrick
Joshua Snow Kendrick (SC Bar 70453)
Christopher S. Leonard (SC Bar 80166)
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