

68834

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

RECORDED  
JUN 21 2013  
SC COURT OF APPEALS

APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

J. Ernest Kinard, Jr., Circuit Court Judge

Case No. 08-CP-40-8854

Phillip D. Grimsley, Sr., and  
Roger M. Jowers, on behalf of  
themselves and others similarly situated,

Appellants,

vs.

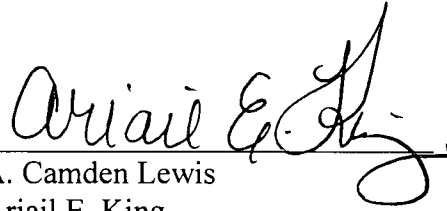
South Carolina Law Enforcement Division  
and the State of South Carolina,

Respondents.

MOTION TO SERVE RECORD ON APPEAL OUT OF TIME

Appellants Phillip D. Grimsley, Sr. and Roger M. Jowers hereby move to serve the Record on Appeal out of time. Under Rule 210, SCACR, the Record on Appeal is to be served within 30 days of the service of the last brief. Appellants timely served the Record on May 23, 2013. However, opposing counsel later discovered a mistake on the cover and the inside of the Record. Appellants made the necessary corrections and re-served the Record on June 7, 2013, which was outside of the time set forth in Rule 210. Appellants hereby request that this Court grant the motion to serve the Record out of time.

Opposing counsel has been consulted and consents to this motion.



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Attorneys for the Appellants

Columbia, South Carolina

June 21, 2013

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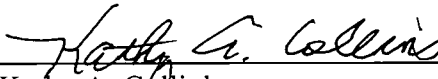
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PROOF OF SERVICE

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I, Kathy A. Collins, secretary to the law firm of Lewis, Babcock & Griffin, L.L.P., hereby certify that I have this 21<sup>st</sup> day of June, 2013, served the foregoing Motion to Serve Record on Appeal Out of Time upon opposing counsel by mailing a copy of same, postage prepaid and address clearly indicated, to said opposing counsel addressed as follows:

Kenneth P. Woodington, Esquire  
William H. Davidson, II, Esquire  
Davidson & Lindermann, PA  
Post Office Box 8568  
Columbia, South Carolina 29202-8568

  
Kathy A. Collins

June 21, 2013  
Columbia, South Carolina

RECEIVED  
JUN 21 2013  
SC Court of Appeals

A. CAMDEN LEWIS  
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OF COUNSEL  
J. RYAN HEISKELL  
ALSO ADMITTED IN D.C.

June 21, 2013

**VIA HAND-DELIVERY**

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
1015 Sumter Street  
Columbia, South Carolina 29201

Re: Phillip D. Grimsley, Sr., et al., vs. South Carolina Law Enforcement Division and  
the State of South Carolina.  
Case No. 2008-CP-40-08854  
Tracking No. 2010-152969

Dear Ms. Kitchings:


Enclosed please find Motion to Serve Record on Appeal Out of Time, along with our firm's check in the amount of \$25.00. Please acknowledge receipt of same by stamping the enclosed copy of same and returning via our courier.

By copy of this letter, copies of same are being served on counsel of record.

Thank you for your assistance in this matter.

Sincerely,

LEWIS & BABCOCK, L.L.P

  
Kathy A. Collins  
Secretary

/kc

Enclosures

cc: Kenneth P. Woodington, Esq.  
William H. Davidson, II, Esquire  
Richard A. Harpootlian, Esq.  
John A. O'Leary, Esq.

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