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**Sep 20 2023**

**SC Court of Appeals**

**THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS**

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**APPEAL FROM DORCHESTER COUNTY  
Court of Common Pleas for the First Circuit**

The Honorable Diane S. Goodstein

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**Case No.: 2022-CP-18-00295  
Appellate Case No.: 2023-000655**

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LAURA ABERNATHY .....Plaintiff /*Appellant*,

v.

ERVIN W. LAMBERT, SR., PERSONAL REPRESENTATIVE OF THE ESTATE OF ERVIN  
E. LAMBERT, JR., DECEASED., .....Defendant/*Respondent*.

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**APPELLANT’S MOTION FOR LEAVE TO FILE AND  
SERVE APPELLANT’S *AMENDED* INITIAL BRIEF AND  
DESIGNATION OF MATTER**

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Appellant (“Laura Abernathy”) respectfully moves for leave to file and serve an Amended Initial Brief and Designation of Matter. In support of this motion, Counsel for Appellant states as follows:

1. On September 15, 2023, Appellant timely filed and served the Initial Brief of Appellant, however the version filed was not the version intended to be filed;
2. Appellant now wishes to file an amended version her Initial Brief and Designation of Matter that are substantially the same as the filed versions, except the brief includes more detailed citations to the matter in the record on appeal, the brief and designation contain one additional order not included in the original designation of matter, and a small number of minor edits to the body of the brief;

3. The Amended Initial Brief of Appellant is attached hereto as Exhibit A. The Amended Designation of Matter is attached as Exhibit B.
4. This request is made in good faith and not for purposes of delay or inconvenience.
5. Counsel for Respondents has consented to the relief requested herein.

WHEREFORE, Appellant respectfully requests that she be permitted to serve and file the attached Amended Initial Brief of Appellant and that Respondent's deadlines be extended accordingly.

**Respectfully submitted:**

**EPTING & RANNIK, LLC**

September 20, 20233  
Charleston, South Carolina

/s/ Jaan Rannik  
Jaan G. Rannik  
Clinton T. Magill  
46A State Street  
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*ATTORNEY FOR PLAINTIFF/APPELLANT*

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ERVIN W. LAMBERT, SR., PERSONAL REPRESENTATIVE OF THE ESTATE OF ERVIN  
E. LAMBERT, JR., DECEASED.,.....Defendant/Respondent.

PROOF OF SERVICE

I certify that I have served Appellant’s Motion for Leave to File and Serve Appellant’s Amended Initial Brief and Designation of Matter dated September 20, 2023, on opposing counsel via e-mail, this 20<sup>th</sup> day of September, 2023, addressed to Respondents’ attorneys of record as follows:

Lionel S. Lofton, Esq. – [lionel@loftonandlofton.com](mailto:lionel@loftonandlofton.com)

V. Lynn Lofton, Esq. – [lynn@loftonandlofton.com](mailto:lynn@loftonandlofton.com)

A copy of the e-mail is attached to this Proof of Service as Exhibit A.

By s/Angela

Angela Gross  
Legal Assistant to  
Jaan G. Rannik  
46A State Street, Charleston, SC 29401  
Phone: 843-377-1871; Fax: 843-377-1310

# EXHIBIT A

## Angela Gross

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**From:** Angela Gross  
**Sent:** Wednesday, September 20, 2023 3:59 PM  
**To:** Angela Gross; lynn@loftonandlofton.com; lionel@loftonandlofton.com  
**Cc:** Jaan Rannik  
**Subject:** RE: Abernathy v. Lambert / Appellate Case No.: 2023-000655  
**Attachments:** 2023 09 20 - Amended Designation of Matter.pdf; 2023 09 20 - Appellant's Amended Initial Brief.pdf; 2023 09 20 - Motion for Leave to File Amended Initial Brief.pdf

Dear Counsel,

Attached for service please find Appellant's Motion for Leave to file Appellant's Amended Initial Brief and Designation of Matter in the above referenced matter. A proof of service will follow under separate email.

With kindest regards,



Angela Gross  
Legal Assistant to Andrew K. Epting, Jr., Esq.  
Jaan G. Rannik, Esq.  
Clinton T. Magill, Esq.  
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