

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM YORK COUNTY
Court of Common Pleas

The Honorable Teasa K. Weaver
Master-In-Equity

Case No. 2020-CP-46-3434

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JAN 08 2024
SC Court of Appeals

John Patton and Tara Patton (*Plaintiffs*),

Appellants,

v.

Palmetto Contracting Services of York County, LLC and
Lester Van Epps (*Defendants*),

Respondents.

MOTION TO EXTEND TIME TO FILE APPELLANT'S FINAL BRIEF

Appellate Case No.: 2023-000740

Pursuant to Rule 263 of the South Carolina Appellate Court Rules the Appellants, by their counsel herein, moves this Court for an order granting an extension of time as to the correction of deficiencies, filing and service of their Final Brief on the grounds stated below:

1. The Appellants' Final Brief was filed herein and served on December 18, 2023
2. On January 2, 2024, Appellants received correspondence from the Court, notifying them that deficiencies existed within the filings, including the need to file a motion to allow the late filing.

3. Upon information and belief, Appellants have cured the deficiencies identified by the Court.
4. Under Rule 263 SCACR, the time to file and serve Appellants' Final Brief may be extended by the appellate court, or by any judge or justice thereof.
5. Upon information and belief, no prejudice has occurred to the Respondents by this delay.
6. To this end, counsel for Appellants requests an extension of time as to the filing of the Final Brief until this date. The document is filed on this date.

The basis of this Motion is the within-cited Rules and the records of this appeal, which items are hereby incorporated in this Motion.

WHEREFORE, the Appellants herein move this Court to be allowed for an extension of time in which to file their Final Brief, as set out above, until this date.

s/Charles B. Burnette IV
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John Patton and Tara Patton

January 3, 2024

Rock Hill, South Carolina

THE STATE OF SOUTH CAROLINA
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PROOF OF SERVICE

I certify that I have served this Motion for Extension of Time to File Final Brief of Appellants on the following as addressed below on this 3rd day of January, 2024:

Dan D. D'Agostino at dan@ddlplaw.com
Attorney for Respondents

s/Charles B. Burnette IV
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January 3, 2024

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SC Court of Appeals

Via US Mail

The Honorable Jenny Abbott Kitchings
Clerk of Court, South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Re: John Patton v. Palmetto Contracting Services of York County, LLC (2023-000740)

Dear Ms. Kitchings:

Enclosed please find a hard copy of Appellants' Final Brief and Motion for Extension of Time of Appellant's Final Brief. Also enclosed is the \$50 filing fee.

Sincerely,



Charles B. Burnette IV



FIRST CLASS



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Rock Hill, SC 29730

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JAN 08 2024
SC Court of Appeals

The Honorable Jenny Abbott Kitchings
Clerk of Court, South Carolina Court of Appeals
P. O. Box 11629
Columbia, SC 29211

