

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

69534

APPEAL FROM HORRY COUNTY
Court of Common Pleas

Ralph Stroman, Special Referee
Case No. 2011-CP-26-4556

Carey Graham and Rodney A. Chardukian,
Respondent,

v.

Stephen Eric Robinson,
Appellant,

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AUG 23 2013

**APPELLANTS' MOTION FOR PERMISSION
TO FILE INITIAL BRIEF OUT OF TIME** SC Court of Appeals

COME NOW THE APPELLANTS by and through their undersigned counsel who would submit the following motion for extension of time to file the Initial Reply brief of Appellants:

1. Appellants' Initial Brief was due to be served and filed on Monday, August 18, 2013. However, because of personal family circumstances Appellants' counsel missed the filing deadline in this matter.

2. Counsel's wife suffers from post polio syndrome and has otherwise been in poor health including severely restricted mobility. She experienced a decline in her condition during the months of July and August, 2013, and counsel was required to devote substantial attention to this matter during this time. When the transcripts were delivered to counsel's office by the court reporter on or about July 19, 2013, counsel

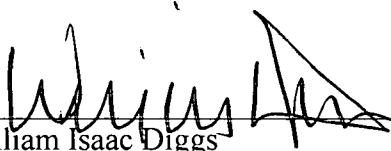
inadvertently failed to note receipt of same on his calendar and subsequently failed to notify this Court and opposing counsel that the transcripts had been delivered. Appellant Babb delivered a check to counsel's office for payment to the court reporter for the transcripts and even with that payment, counsel did not record receipt of the transcripts themselves on his office calendar. Thus, counsel's error was not attributable to the Appellants personally, but lies wholly due to counsel's oversight in this matter.

3. Counsel has spoken to opposing counsel, Frank N. Durant, Esquire, about this request (although not about the specific reasons for counsel's error) and while sympathetic with counsel, Mr. Durant has been unable to consent to this request.

WHEREFORE, Appellants would respectfully request an additional thirty (30) days in which to serve and file the Initial Brief of Appellants.

Respectfully submitted,

**LAW OFFICES OF WILLIAM ISAAC DIGGS
ATTORNEYS AT LAW**


William Isaac Diggs
1700 Oak Street, Suite D
Myrtle Beach, SC 29577
843-626-4243

ATTORNEY FOR THE APPELLANTS

This 22 day of August, 2013
Myrtle Beach, South Carolina

Other Counsel of Record:
Frank H. Durant, Esquire
DURANT & MARTIN
2107 Farlow Street
P.O. Box 960
Myrtle Beach, SC 29578

843-448-1541

ATTORNEY FOR THE RESPONDENTS

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

Ralph Stroman, Special Referee
Case No. 2011-CP-26-4556

Carey Graham and Rodney A. Chardukian,
Respondents

v.

Stephen Eric Robinson,
Appellant,

CERTIFICATE OF SERVICE

This is to certify that I have this 22 day of August, 2013, deposited one copy of the Appellant's Motion For Permission to File Initial Brief Out of Time in the U.S. Postal Service with proper postage affixed thereto and addressed to opposing counsel as follows:

Frank H. DuRant, Esquire
DuRant & Martin
2107 Farlow Street
Myrtle Beach, SC 29578-0960



William Isaac Diggs

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SC Court of Appeals



Law Offices of

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August 22, 2013

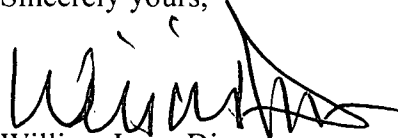
The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Re: Carey Graham and Rodney A. Chardukian vs. Stephen Eric Robinson
CaseNo.: 2011-CP-26-4556

Dear Ms. Kitchings:

Enclosed for filing is Appellant's Motion For Permission to File Initial Brief Out of Time in the above matter along with our certificate of service showing service of same on opposing counsel. Our firm's check in the amount of \$25.00 representing the filing fee in this matter is likewise enclosed. If you have any questions, please let me know. With kind regards, I am

Sincerely yours,



William Isaac Diggs

WID

Enclosure: as stated

Cc:

Frank Durant
Post Office Box 960
2107 Farlow Street
Myrtle Beach, SC 29578

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