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SC Court of Appeals

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S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Honorable H. W. Funderburk, Jr., Administrative Law Judge

Case No. 17-ALJ-17-0060-CC
Appellate Case No. 2023-000973
Opinion No. 5972 (S.C. Ct. App. Filed March 1, 2023)

McEntire Produce, Inc. Petitioner,

v.

South Carolina Department of Revenue Respondent.

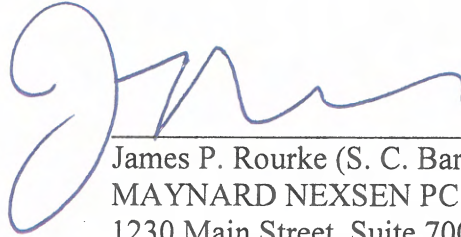
AMENDED MOTION FOR EXTENSION OF TIME TO FILE REPLY BRIEF

TO: PATRICIA A. HOWARD, CLERK OF COURT

Pursuant to Rules 240, 242(i), and 263(b), SCACR, the Petitioner, McEntire Produce, Inc., requests a ten (10) day extension of time to file its Reply Brief pursuant to Rule 242(i), SCACR. Respondent filed its Brief on July 8, 2024; accordingly, Petitioner’s Brief must be filed by Thursday, July 18, 2024. The Petitioner respectfully requests that the Court extend the deadline to file its Reply Brief from July 18, 2024 until July 29, 2024.

The undersigned counsel certifies this extension is not requested for purposes of delay but is necessary to adequately research and prepare the Reply Brief required under Rule 242(i), SCACR. Petitioner consulted with Counsel for Respondent on July 16, 2024 when originally seeking an extension, who graciously consented to this extension request.

Respectfully submitted,



James P. Rourke (S. C. Bar No. 79879)
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Attorney for Petitioner McEntire Produce, Inc.

July 23, 2024
Columbia, South Carolina

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HAND DELIVERY

Patricia A. Howard
Clerk of Court
Supreme Court of South Carolina
Supreme Court Building
1231 Gervais Street
Columbia, South Carolina 29201

**Re: McEntire Produce, Inc. v. South Carolina Department of Revenue
Case No. 17-ALJ-17-0060-CC
Appellate Case No. 2023-000973
Opinion No. 5972**

Dear Ms. Howard:

Enclosed please find Petitioner's corrective Motion for Extension to file Petitioner's Reply Brief in the above-referenced matter. Petitioner initially filed a Motion for Extension to File its Reply Brief on July 16, 2024. Today, counsel for Petitioner determined that due to an administrative error, it filed an earlier draft of the Motion. The original Motion filed with the Court requested a 30-day extension, which we know is prohibited by Order of the Supreme Court of South Carolina dated July 16, 2014.

To correct this error, Petitioner hereby files this corrective Motion for Extension to file its Reply Brief. Petitioner respectfully requests this Court grant its Motion for an Extension to file its Reply Brief until Monday, July 29, 2024, which amounts to a ten-day extension from the original deadline to file the Reply Brief. Please contact me if you have any questions or if I can be of assistance.

Very truly yours,

A handwritten signature in blue ink, appearing to read "JRourke".

James P. Rourke

JPR/sp

July 23, 2024

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cc: The Honorable Jenny Abbott Kitchings
Elisabeth W. Shields, Esq.
Jason P. Luther, Esq.
Dare P. Bailey, Esq.