

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

69719

APPEAL FROM HORRY COUNTY
Court of Common Pleas

Edward B. Cottingham, Circuit Court Judge

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SEP 11 2013

Case No. 2010-CP-26-07961

Appellate Case No. 2013-001759

SC Court of Appeals

South Carolina Department of Transportation *Respondent,*

v.

David Franklin Powell *Appellant.*

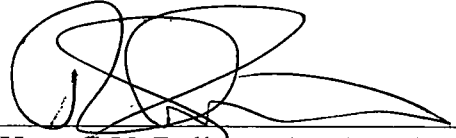
NOTICE OF PETITION AND PETITION FOR EXTENSION

Appellant hereby requests a thirty (30) day extension of time to file the Appellant's Initial Brief and Designation of Matter to be Included in the Record on Appeal for good cause shown. Opposing counsel does not oppose the motion.

The Brief and Designation are due September 16, 2013 and if this request is granted, the Brief and Designation will be due on October 16, 2013. Appellant submits that this Petition is not intended for purposes of delay.

Respectfully submitted,

BELLAMY, RUTENBERG,
COPELAND,
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P.O. Box 357
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(843)448-2400
Attorneys for Appellant



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Robert S. Shelton, Esq. SCB#68543

Myrtle Beach, South Carolina

Dated: September 10, 2013

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South Carolina Department of Transportation *Respondent,*

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PROOF OF SERVICE

I certify that I have served the **Notice of Petition and Petition for Extension** in the above-captioned matter on the following individuals by depositing a copy of it in the United States Mail, with sufficient first-class postage affixed, addressed as follows:

Beacham O. Brooker, Jr., Esq., SCB # 909
Assistant Chief Counsel
South Carolina Department of Transportation
Post Office Box 191
Columbia, SC 29202

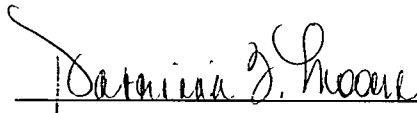
and

John B. McCutcheon, Jr., Esq., SCB # 3767
Thompson & Henry, P.A.
Post Office Box 1740
Conway, SC 29528

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SC Court of Appeals



Patricia T. Moore
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(843) 448-2400
Attorneys for Appellant

Myrtle Beach, South Carolina

Dated: September 10, 2013

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September 9, 2013

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

Re: South Carolina Dep't of Transportation, *Respondent*, v. David Franklin Powell, *Appellant*, Civil Action No. 2010-CP-26-7961
Appellate Case No. 2013-001759
Our file no. 24371-79385

Dear Ms. Kitchings:

Enclosed for filing is one (1) unbound original and seven (7) copies of Respondent's Notice of Petition and Petition for Extension and Proof of Service in the above referenced matter.

The filing fee in the amount of \$25.00 is enclosed. According to my calculations, should this Petition be granted, Appellant's Initial Brief and Designation of Matter will be due on or before October 16, 2013. Please let me know immediately if my calculations are incorrect.

I would appreciate you returning a clocked copy of the Petition and Proof of Service in the enclosed self addressed, stamped envelope provided for your convenience.

Please do not hesitate to contact me should you have any questions.

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SC Court of Appeals

September 9, 2013
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With kindest regards, I am

Yours very truly,
BELLAMY, RUTENBERG, COPELAND,
EPPS, GRAVELY & BOWERS, P.A.



Robert S. Shelton

RSS:ptm

Enclosure as noted

cc: Client

John B. McCutcheon, Jr. Esq.

Beacham O. Brooker, Jr., Esq.