

**RECEIVED**

**Oct 28 2024**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

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APPEAL FROM AIKEN COUNTY

Court of Common Pleas

The Honorable Courtney Clyburn Pope, Circuit Court Judge

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Case No.: 2018CP0202797

Appellate Case No. 2024-000079

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Elroy D. Fischer, Jr.m CD&F Interests, LLC, Howard Lumbar Company, and the  
Robert E. Pentecost Trust, Respondents,

vs.

South Carolina Department of Transportation, Appellant,

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Motion to Serve Initial Brief Out of Time

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Respondents move for permission to serve its initial brief out of time. Counsel intended to copy opposing counsel with the filing of his initial brief and designation of matter on the email containing the filing with this Court. Upon notice of the deficient Proof of Service, counsel determined that opposing counsel was not copied on that email. I immediately served the brief and designation of matter, as demonstrated by the attached email. This motion is not being made for purposes of delay or harassment and no party will suffer any prejudice as Appellant has already filed its reply brief with this Court. The required filing fee is being mailed to the Court of Appeals directly.

RESPECTFULLY SUBMITTED

/s/Tucker S. Player, Esq.  
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Appellant,

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PROOF OF SERVICE

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Respondents certify that opposing counsel was served with copies of Respondents' Motion to Serve Initial Brief Out of Time and the Corrected Proof of Service via email on October 28, 2024 as evidenced by the attached email.

RESPECTFULLY SUBMITTED

/s/Tucker S. Player, Esq.

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