

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SUMTER COUNTY
W. Jeffrey Young, Presiding Judge

Case Number 2011-CP-43-1418

69764

Berry, Quackenbush & Stuart, P.A.,Appellant,

v.

BEI Sensors & Systems Company, Inc.,
d/b/a BEI Duncan Electronics, and The
Commercial Collection Corporation of New York, Inc.,.....Defendants,

Of Whom The Commercial Collection Corporation
of New York, Inc. is the.....Respondent.

**MOTION FOR EXTENSION OF TIME TO FILE AND SERVE
RESPONDENT'S DESIGNATION OF MATTER TO BE
INCLUDED IN THE RECORD ON APPEAL**

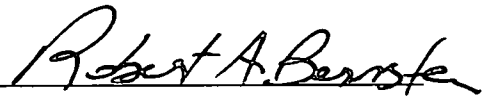
The Attorneys for the Respondent hereby move for the extension of time to file the Respondent's Designation of Matter to Be Included in the Record on Appeal, pursuant to Rule 263(b), South Carolina Rules of Appellate Procedure. The grounds for this Motion are that the deadline for filing the Respondent's Designation of Matter to Be Included in the Record on Appeal fell immediately after a legal holiday, the Respondent timely filed the Initial Brief of Respondent prior to the said holiday, the attorneys for the Respondent had also prepared but inadvertently failed to also file and serve the Respondent's Designation of Matter to Be Included in the Record on Appeal at the same time, that only ten days have

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elapsed since the original deadline for filing the Respondent's Designation of Matter to Be Included in the Record on Appeal and that no prejudice to any party hereto will result if the additional ten days are granted, the attorneys for the Appellant do not oppose the grant of additional time to file the said designation, and that the interests of justice support including all relevant matter before the Court in deciding the present appeal.

The Respondent's Designation of Matter to Be Included in the Record on Appeal is attached to this Motion.

September 13, 2013


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of New York, Inc. is the.....Respondent.

**MEMORANDUM IN SUPPORT OF MOTION FOR EXTENSION OF TIME TO
FILE AND SERVE RESPONDENT'S DESIGNATION OF MATTER TO BE
INCLUDED IN THE RECORD ON APPEAL**

The Respondent submits the present Memorandum in Support of its Motion for Extension of Time to Respondent's Designation of Matter to Be Included in the Record on Appeal. The failure to file the Designation at the time that the Initial Brief of respondent was filed was the result of inadvertence, as the attorneys for the Respondent had drafted and prepared the Designation, but failed to include it with the documents filed and served upon the parties. It has been called to the attention of the undersigned that the Designation was not served with the Brief, and only ten days have passed since the deadline for filing the designation. The time for filing a Reply Brief, the final briefs and the Record on Appeal has

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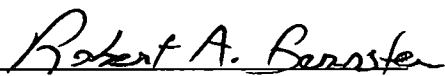
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not occurred, the filing of the Respondent's Designation at this time will not delay the conduct of this appeal in any way, and counsel for the Appellant has no objection to the extension of time to file the said Designation. Each of the matters included in the proposed Designation are matters which were before the lower court, were considered in ruling upon the Motion for Summary Judgment, and the Respondent asserts that the interests of justice are served by this Court's consideration of the matter designated by the Respondent in making the determination in this matter.

Respectfully Submitted,

September 13, 2013


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**RESPONDENT'S DESIGNATION OF MATTER TO BE
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Respondent proposes the following to be included in the Record on Appeal:

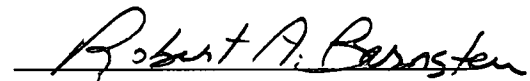
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1. Complaint filed July 29, 2011;
2. Answer and Counterclaim of Commercial Collection Corp. Of New York, Inc. filed September 26, 2011;
3. Reply filed October 26, 2011;
4. Answer of BEI Sensors & Systems Company, Inc. filed October 28, 2011;
5. Amended Complaint filed November 21, 2011;
6. Answer of BEI Sensors & Systems Company, Inc. to Amended Complaint filed December 1, 2011;
7. Answer and Counterclaim of Commercial Collection Corp. Of New York, Inc. to Amended Complaint filed December 15, 2011;
8. Motion for Summary Judgment filed by BEI Sensors & Systems Company, Inc. on July 24, 2012;
9. Affidavit of Richard Wilkins, dated July 13, 2012, filed July 24, 2012;
10. Motion for Summary Judgment filed by Commercial Collection Corp. Of New York, Inc. on November 21, 2012;

11. Affidavit of Frank J. Vecchio dated , dated November 19, 2012, filed November 28, 2012;
12. Affidavit of Leonard R. Jordan, Jr., dated December 12, 2012, filed December 14, 2012;
13. Order Granting Summary Judgment filed March 6, 2013.

I certify that this designation contains no matter which is irrelevant to this appeal.

September 13, 2013



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CERTIFICATE OF SERVICE

The undersigned, an employee of Bernstein & Bernstein, P.A., does hereby certify that on September 13, 2013, he served a copy of the Motion for Extension of Time to File and Serve Respondent's Designation of Matter to Be Included in the Record on Appeal, Memorandum in Support of Motion, and Respondent's Designation of Matter to Be Included in the Record on Appeal of the Respondent upon Appellant's attorneys, Leonard R. Jordan, Jr., Esquire and C.E. Hardin, Jr., Esquire by placing a copy of the same in the United States Mail, postage prepaid, and addressed to the following:

Leonard R. Jordan, Jr., Esquire
BERRY QUACKENBUSH &
STUART, PA
P.O. Box 394
Columbia, SC 29202

C.E. Hardin, Jr., Esquire
HARDIN LAW FIRM, LLC
P.O. Box 23606
Columbia, SC 29202

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Robert A. Bernstein

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