

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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SC Court of Appeals

APPEAL FROM RICHLAND COUNTY
Alison Renee Lee, Circuit Court Judge

Case No. 2020-CP-40-01980
Appellate Case No. 2021- 000804

Johnnie Cordero Appellant
v.

Valerie Moore, in her official capacity as
Chair of The Richland County Democratic
Party; The Richland County Democratic Party;
Christale Spain, in her official capacity as
Chair of The South Carolina Democratic
Party; The South Carolina Democratic Party, Respondents.

**APPELLANT’S MOTION FOR LEAVE TO
FILE RETURN TO RESPONDENT’S
MOTION FOR COSTS OUT OF TIME**

On or about December 27, 2024, the Respondents filed a Motion for Costs pursuant to Rule 222(a) SCACR, which included an attorney’s fee of \$2500.00. Appellant was served with the Motion for Costs by mail on January 4, 2025.

The Motion for Costs was postmarked January 2, 2025, and received by the appellant on Saturday, January 4, 2025. A copy of the envelope in which Respondent's Motion for Costs was received is attached to the Appellant’s Return to Motion for Costs.

The appellant filed his Return in Opposition to the Respondent's Motion for Costs on January 14, 2025. Exactly ten days from the date of service as required by SCACR 240(e).

On or about February 1, 2025, appellant received a letter from the clerk's office indicating that his Return was not timely filed directing him to file a motion to allow late filing within ten days of the date of the letter - January 30, 2025.

Argument

Appellant contends that his motion was filed in compliance with SCACR 240(e) and is therefore timely.

SCACR 240(e) provides, in pertinent part: "(e) Return to Motion. Any party opposing a motion or petition shall have ten (10) days from the *date of service* thereof to file a return with the clerk and serve on all parties a copy of the return;" *Rule 240 - Motions and Petitions Generally*, S.C. App. Ct. R. 240.

Out of an abundance of caution however, appellant submits this motion as directed along with a check in the amount of fifty dollars to cover the filing fee. Appellant assumes that if he is correct and the Return was in fact filed on time the check will be returned.

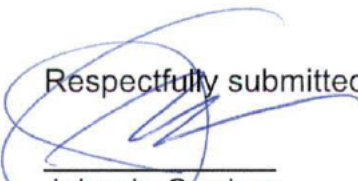
Conclusion

For the foregoing reasons appellant respectfully requests that his Return to Respondent's Motion for Costs filed and served on January 14, 2025 be accepted as timely filed and that he not be required to pay the cost of this motion.

In the alternative appellant respectfully requests that his Motion for Leave to file his Return out of time be granted.

Dated: February 5, 2025
Columbia, SC

Respectfully submitted,



Johnnie Cordero
4204 Mandel Drive
Columbia, SC 29210
Tel.: (803)753-8091
Appellant, Pro Se

CERTIFICATE OF SERVICE

I, JOHNNIE CORDERO, hereby certify that I served APPELLANT'S MOTION FOR LEAVE TO FILE RETURN TO RESPONDENT'S MOTION FOR COSTS OUT OF TIME by United States mail first class postage prepaid and return address clearly indicated on said envelope and addressed as follows:

**BURNETTE SHUTT MCDANIEL
912 LADY STREET
COLUMBIA, SC 29202
ATTN: NEKKI SHUTT
ATTN: GRANT BURNETTE LEFEVER**

Dated: February 5, 2025
Columbia, SC



Johnnie Cordero

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SC Court of Appeals

CORDERO
4254 MANDEL DR
COLUMBIA SC 29216

SOUTH CAROLINA COURT OF APPEALS
PO BOX 11629
COLUMBIA, SC 29211



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