

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM KERSHAW COUNTY
Court of Common Pleas

George C. James, Jr., Circuit Judge

Appellate Case No. 2012-213309
Common Pleas Case No.: 2010-CP-28-1197

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OCT 29 2013

SC Court of Appeals

U.S. Bank National Association successor trustee to
LaSalle Bank National Association, as trustee, under
the Pooling and Servicing Agreement, dated as of
April 1, 2002, among Asset Backed Funding
Corporation, Litton Loan Servicing LP and LaSalle
Bank National Association, ABFC Asset
Backed Certificates, Series 2002-SB-1,Respondent,

v.

Kelley Burr; FIA Card Services, N.A.; Discovery
Bank, Issuer of the Discover Card; Unifund CCR
Partners.....Defendants,

Of Whom Kelley Burr is.....Appellant.

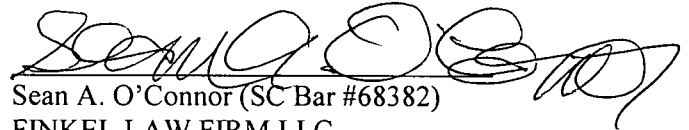
RESPONDENT'S MOTION FOR ENLARGEMENT OF TIME
TO FILE RESPONDENT'S FINAL BRIEF

Undersigned counsel for Respondent U.S. Bank National Association successor trustee to LaSalle Bank National Association, as trustee, under the Pooling and Servicing Agreement, dated as of April 1, 2002, among Asset Backed Funding Corporation, Litton Loan Servicing LP and LaSalle Bank National Association, ABFC Asset Backed Certificates, Series 2002-SB-1 ("U.S. Bank") respectfully moves before the Court for a fourteen (14) day extension of time in which to file the Final Brief of Respondent. The Final Brief of Respondent was due October 17, 2013. If the requested enlargement is granted, the new due date would be October 31, 2013. The grounds for this motion are as follows:

U.S. Bank v. Kelley Burr
Trial Court Case No. 2010-CP-28-1197
Appellate Case No.: 2012-213309
RESPONDENT'S MOTION FOR ENLARGEMENT OF TIME

1. Appellant's counsel has consented to this extension, as shown by the attached email message.
2. No prejudice nor undue delay would result from the extension, as Respondent's Initial Brief was timely filed, and the only changes from Respondent's Initial Brief to its Final Brief were cites to the Record on Appeal in accordance with Rule 211(b)(1) SCACR.
3. Respondent's counsel therefore believes there is good cause to grant the requested fourteen (14) day extension to October 31, 2013.

Respectfully submitted,



Sean A. O'Connor (SC Bar #68382)
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Attorney for Respondent

Opposing Counsel

Andrew S. Radeker, Esquire
Harrison & Radeker, P.A.
Post Office Box 50143
Columbia, South Carolina 29250
Telephone: (803) 779-2211
Attorney for Appellant

Jen Ellis

From: Sean O'Connor
Sent: Tuesday, October 22, 2013 1:08 PM
To: Drew Radeker
Subject: RE: U.S. Bank v. Burr

Will do and thanks very much.

Sean

From: Drew Radeker [<mailto:Drew@harrisonfirm.com>]
Sent: Tuesday, October 22, 2013 1:06 PM
To: Sean O'Connor
Subject: RE: U.S. Bank v. Burr

Sean:

No problem. I consent to the late filing of respondent's final brief. If you could do me a favor and send me a scanned copy of your final brief when you mail me one, that would be most appreciated.

Thanks.

Drew Radeker

HARRISON & RADEKER, P.A.

ATTORNEYS AT LAW

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Personal Injury • Consumer Law • Mediation/Arbitration • False Arrest • Commercial Litigation*

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From: Sean O'Connor <soconnor@FinkellLaw.com>
Sent: Tuesday, October 22, 2013 1:03 PM
To: Drew Radeker
Subject: U.S. Bank v. Burr

Drew:

I just discovered that there was a calendaring error on my end in regard to filing the Final Brief of Respondent. I had been under the mistaken impression that we had 20 days after Appellant's Final Briefs were filed, but that's not the

case; per Rule 211 both parties had 20 days from the service of the Record on Appeal on 9/27, so my deadline was the same as yours, this past Thursday 10/17, and I have missed it. In light of this, could I ask you to please consent to my petition to file the Final Brief of Respondent past the deadline? It would be greatly appreciated.

Kind regards,

Sean

Sean A. O'Connor
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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM KERSHAW COUNTY
Court of Common Pleas

George C. James, Jr., Circuit Judge

Appellate Case No. 2012-213309
Common Pleas Case No.: 2010-CP-28-1197

U.S. Bank National Association Successor trustee
to LaSalle Bank National Association, as trustee,
under the Pooling and Servicing Agreement, dated as
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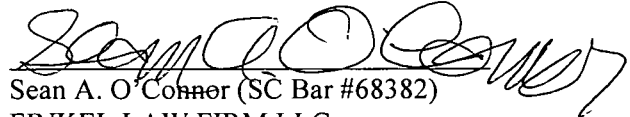
v.

Kelley Burr; FIA Card Services, N.A.; Discovery
Bank, Issuer of the Discover Card; Unifund CCR
Partners.....Defendants,

Of Whom Kelley Burr is.....Appellant.

PROOF OF SERVICE

I certify that I have served *Respondent's Motion for Enlargement of Time to File Respondent's Final Brief* by depositing a copy of same in the United States Mail, postage prepaid, on October 24, 2013, addressed to Appellant's attorney of record, Andrew S. Radeker, Harrison & Radeker, P.A., Post Office Box 50143, Columbia, South Carolina 29250.



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Attorney for Respondent

FINKEL LAW FIRM LLC

JENNIFER L. ELLIS, PARALEGAL
JELLIS@FINKELLAW.COM

REPLY TO:
CHARLESTON LITIGATION

October 24, 2013

The Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RE: *U.S. Bank National Association successor trustee to LaSalle Bank National Association as trustee under the Pooling and Servicing Agreement dated as of April 1, 2002, among Asset Backed Funding Corporation, Litton Loan Servicing LP and LaSalle Bank National Association, ABFC Asset Backed Certificates, Series 2002-SB-1 v. Kelley Burr, FIA Card Services, N.A., Discovery Bank, Issuer of the Discover Card; Unifund CCR Partners*
Appellate Case No.: 20012-213309
Civil Action No.: 2010-CP-28-1197
Our File No.: 52310.45979

Dear Ms. Kitchings:

Enclosed please find the original and seven (7) copies of *Respondent's Motion for Enlargement of Time to File Respondent's Final Brief* and the related *Proof of Service* which need to be filed in connection with the above referenced matter. We respectfully request that you file same and return the extra clocked copy to our office in the enclosed envelope.

I have also enclosed check number 5638 in the amount of \$25.00 for the filing fee.

If you have any questions or concerns, please do not hesitate to contact our office.

With kind personal regards, I am

Sincerely,

Jennifer L. Ellis
Litigation Paralegal

:jle
Enclosure

cc: Andrew S. Radeker, Esq.

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