

IN THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM YORK COUNTY
Court of Common Pleas

S. Jackson Kimball, III, Special Circuit Court Judge

Case No. 2011-CP-46-4281

Ingris Janet Calcagno,

Respondent,

v.

Richard T. Wynn,

Appellant.

RESPONDENT'S MOTION TO ALLOW LATE FILING OF RESPONDENT'S
REPLY TO APPELLANT'S MOTION FOR EXTENSION OF TIME

TO: THE HONORABLE JUDGES OF THE SOUTH CAROLINA COURT OF APPEALS

Respondent, Ingris Janet Calcagno, by and through her undersigned counsel and pursuant to Rule 240 of the South Carolina Appellate Court Rules, would respectfully move that this Court allow Respondent to file Respondent's Reply to Appellant's Motion for Extension of Time late. Rule 263 of the South Carolina Appellate Court Rules allows the Court to extend time in its discretion. Although Rule 262 of the South Carolina Appellate Court Rules prescribes that service is complete upon mailing, Respondent did not actually receive actual notice of Appellant's Motion for Extension of Time until November 26, 2013, as Appellant's service by U.S. Mail failed. Respondent only received actual notice of Appellant's motion upon inquiring by email whether Appellant had in fact filed anything with this Court, as Appellant had

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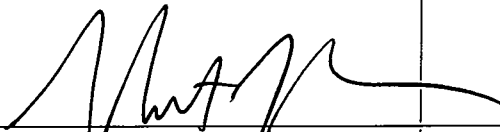
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communicated it intended to do, because Respondent had not received service of any filing. Only on November 26, 2013 did Respondent learn that Appellant had filed his motion with the court. Respondent did in fact file Respondent's Reply to Appellant's Motion for Extension of Time within the ten (10) days as prescribed by Rule 240(e) of the Appellate Court Rules if counted from the date of actual notice of Appellant's motion, as Respondent's motion was filed and served on December 4, 2013.

Respondent respectfully requests that this Court allow the late filing of Respondent's Reply to Appellant's Motion for Extension of Time to File Initial Brief for the above cited reasons.

This 16th day of December, 2013



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ATTORNEY FOR THE PLAINTIFF

IN THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM YORK COUNTY
Court of Common Pleas

S. Jackson Kimball, III, Special Circuit Court Judge

Case No. 2013-002362

Ingris Janet Calcagno,

Respondent,

v.

Richard T. Wynn,

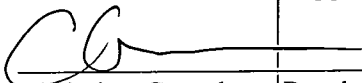
Appellant.

PROOF OF SERVICE

I, Christina Grundner, certify that I have served Respondent's Motion to Allow Late Filing of Respondent's Reply to Appellant's Motion for Extension of Time by depositing a copy of same in the United States mail, postage prepaid, addressed :

Stephen M. Cox, Esquire
Robinson Bradshaw & Hinson
140 East Main Street, Suite 420
Rock Hill, SC 29730

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



Christina Grundner, Paralegal
Reeves, Aiken & Hightower, LLP
1012 Market Street, Suite 205
Post Office Box 1297 (29716)
Fort Mill, South Carolina, 29708

This 16th day of December, 2013
Fort Mill, South Carolina

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