

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

170936

Shirley C. Robinson, Administrative Law Judge

Docket No. 2009-ALJ-17-0533-CC

Charleston County Assessor, Appellant,

v.

LMP Properties, Inc., Respondent.

**APPELLANT'S MOTION FOR LEAVE
TO FILE INITIAL BRIEF OUT OF TIME AND
FOR AN EXTENSION OF TIME TO FILE INITIAL BRIEF**

Pursuant to South Carolina Appellate Court Rule 240, Appellant Charleston County Assessor respectfully moves this Court for leave to file its initial brief out of time and for an extension of time so that the brief is due on or before February 28, 2014.

Appellant filed its notice of appeal October 22, 2013, with the brief due November 21, 2013. This motion is based on the grounds that Appellant inadvertently failed to request a transcript and believed it had thirty (30) days after receiving the transcript in accordance with South Carolina Appellate Court Rule 208 to file its brief with the clerk of the appellate court. In addition, owing to counsel's preparation for and taking a deposition in Fresno, California on November 21-23, 2013; pre-existing personal commitments during Thanksgiving; and the death of counsel's Mother on December 15, 2013, Appellant now

RECEIVED

JAN 13 2014

SC Court of Appeals

finds it necessary to move for leave to file out of time and for an extension of time.

Good cause exists for this Court to grant Appellant leave to file its initial brief out of time and to request an extension. Appellant has not previously requested any extension of time to file its brief. Counsel for Appellant has at all times exercised diligence to provide the Court of Appeals timely and professional briefing. There will be no prejudice to Respondent in granting this motion, and no significant delay of this matter will result from such leave and extension. Counsel for Respondent has advised Appellant that Respondent does not object to Appellant's motion. This motion is made in good faith and not merely for purposes of delay.



Joseph Dawson, III, County Attorney
Bernard E. Ferrara, Jr., Deputy County Attorney
CHARLESTON COUNTY ATTORNEY'S OFFICE
Lonnie Hamilton, III Public Services Building
4045 Bridge View Drive
North Charleston, South Carolina 29405
(843) 958-4010
Attorneys for Appellant

Charleston, South Carolina
January 9, 2014

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Shirley C. Robinson, Administrative Law Judge

Docket No. 2009-ALJ-17-0533-CC

Charleston County Assessor, Appellant,

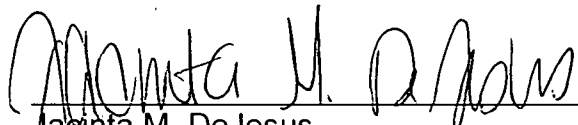
v.

LMP Properties, Inc., Respondent.

PROOF OF SERVICE

I certify that I have **served Appellant's Motion For Leave To File Initial Brief Out Of Time And For An Extension Of Time To File Initial Brief** on counsel for Respondent by depositing a copy of the same in the United States Mail, postage prepaid, on January 9, 2014, addressed as follows:

Stanley C. Rodgers, Esquire
LAW OFFICE OF STANLEY C. RODGERS, L.L.C.
101 Queen Street, Suite 200
Charleston, South Carolina 29401
Attorney for Respondent



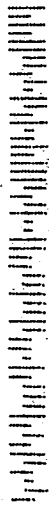
Jacinta M. DeJesus
CHARLESTON COUNTY ATTORNEY'S OFFICE

RECEIVED

JAN 13 2014

SC Court of Appeals

Charleston County Attorn
4045 Bridge View Drive
North Charleston, SC 29405-7464



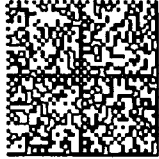
**RETURN SERVICE
REQUESTED**

FIRST CLASS

U.S. POSTAGE >> PITNEY BOWES



ZIP 29405 \$001.72⁰
02 1W
0001383942 JAN 09 2014



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

RECEIVED

JAN 13 2014

SC Court of Appeals