

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM GREENVILLE COUNTY  
Court of Common Pleas

Edward W. Miller, Circuit Court Judge

Case No. 2008-CP-23-3665

Capital Funding, LLC and Arthur M. Field, of whom Arthur M. Field is the Appellant .....  
..... Appellant,

v.

William F. Tomz and Francis W. Tomz, individually and as class representatives .....  
..... Respondents.

MOTION FOR EXTENSION OF TIME  
TO FILE INITIAL BRIEF AND DESIGNATION OF MATTER

Under Rules 240 and 263(b) of the SCACR, Appellant moves for a thirty (30) day extension of time from receipt of the corrected Transcript from the Court Reporter in which to file his Initial Brief and designation of matter to be included in the record on appeal.

This is Appellant's first request for an extension regarding this brief. This Motion is based on other case demands and work obligations of Appellant's attorneys. Additionally, on October 18, 2013 counsel for the Appellant informed the Court Reporter for the hearing of errors in the Transcript and requested that they be corrected. On November 12, 2013, counsel for the Appellant requested a corrected copy of the Transcript and copies of the tapes of the hearing. On December 5, 2013, counsel for the Appellant again wrote to the Court Reporter requesting a

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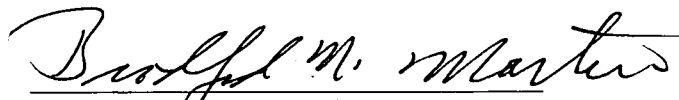
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corrected copy of the Transcript and copies of the tapes. To date, neither a corrected Transcript nor tapes have been received. Therefore, Appellant cannot confirm that references to the Transcript are correct.

Appellant's Brief is currently due on January 8, 2014. Appellant requests an extension of 30 days from the date in which he receives the corrected Transcript from the Court Reporter.

2 January, 2014



Bradford N. Martin, Esq. (SC Bar No. 3658)  
Laura W. H. Teer, Esq. (SC Bar No. 16698)  
Brook Bristow, Esq. (SC Bar No. 76038)  
BRADFORD NEAL MARTIN & ASSOCIATES, P.A.  
Post Office Box 10410  
Greenville, South Carolina 29603  
864.552.9990  
864.552.9992 (facsimile)

Other counsel of record:

Stanley T. Case, Esq.  
BUTLER, MEANS, EVINS & BROWNE, P.A.  
P.O. Box 451  
Spartanburg, SC 29304

Bruce W. Bannister, Esq.  
BANNISTER & WYATT, LLC  
P.O. Box 10007  
Greenville, SC 29603

J. Emory Smith, Esq.  
OFFICE OF THE SOUTH CAROLINA ATTORNEY GENERAL  
P.O. Box 11549  
Columbia, SC 29211

George Brandt, III, Esq.  
HENDERSON BRANDT & VIETH, P.A.  
360 E. Henry Street  
Spartanburg, SC 29302

Curtis Warren Stodghill, Esq.  
STODGHILL LAW FIRM  
P.O. Box 2431  
Greenville, SC 29602

William H. Ehlies, Esq.  
WILLIAM H. EHLIES, P.A.  
310 Mills Avenue  
Suite 201  
Greenville, SC 29605

Alan Wilson, Esq.  
OFFICE OF THE SOUTH CAROLINA ATTORNEY GENERAL  
P.O. Box 11549  
Columbia, SC 29211

Scott Pfeiffer, Esq.  
935 S. Main Street, Suite 203  
Greenville, SC 29601

Gene Connell, Esq.  
KELAHER CONNELL & CONNOR PC  
P.O. Drawer 14547  
Surfside Beach, SC 29587

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Respondents.

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PROOF OF SERVICE

SC Court of Appeals

I certify that I have served Appellant's Motion for Extension of Time to File Initial Brief and Designation of Matter by depositing a copy in the U.S. Mail, postage prepaid, on January 2, 2014, addressed to attorneys of record, Stanley T. Case, Esq., Butler, Means, Evins & Browne, P.A., P.O. Box 451, Spartanburg, SC 29304; Bruce W. Bannister, Esq., Bannister & Wyatt, LLC, P.O. Box 10007, Greenville, SC 29603; J. Emory Smith, Esq., Office Of The South Carolina Attorney General, P.O. Box 11549, Columbia, SC 29211; George Brandt, III, Esq., Henderson Brandt & Vieth, P.A., 360 E. Henry Street, Spartanburg, SC 29302; Curtis Warren

Stodghill, Esq., Stodghill Law Firm, P.O. Box 2431, Greenville, SC 29602; William H. Ehlies, Esq., William H. Ehlies, P.A., 310 Mills Avenue, Suite 201, Greenville, SC 29605; Alan Wilson, Esq., Office Of The South Carolina Attorney General, P.O. Box 11549, Columbia, SC 29211; Scott Pfeiffer, Esq., 935 S. Main Street, Suite 203, Greenville, SC 29601; and Gene Connell, Esq., Kelaher Connell & Connor PC, P.O. Drawer 14547, Surfside Beach, SC 29587.

January 2, 2014



Bradford N. Martin, Esq. (SC Bar No. 3658)  
Laura W. H. Teer, Esq. (SC Bar No. 16698)  
Brook Bristow, Esq. (SC Bar No. 76038)  
BRADFORD NEAL MARTIN & ASSOCIATES, P.A.  
Post Office Box 10410  
Greenville, South Carolina 29603  
864.552.9990  
864.552.9992 (facsimile)

# BRADFORD NEAL MARTIN & ASSOCIATES, PA

ATTORNEYS AT LAW

201 West McBee Avenue, Suite 302  
Post Office Box 10410 (29603)  
Greenville, South Carolina 29601

bmartin@bnmlaw.com  
Phone: (864) 552-9990  
FAX: (864) 552-9992

January 2, 2014

The Honorable Jenny Abbott Kitchings  
South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

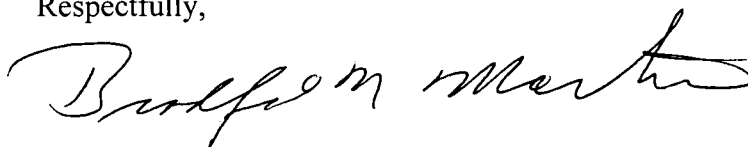
Re: *William F. Tomz v. Capital Funding, et al*  
C/A No.: 2008-CP-23-3665  
Tracking No. 2013-002676

Dear Ms. Kitchings:

Enclosed for filing is an original and seven (7) copies of Appellant's Motion for Extension of Time to File Initial Brief and Designation of Matter, Proof of Service, and our firm's check in the amount of \$25.00 in the above captioned matter. Please file the original and copies with your court and return a clocked copy to me in the enclosed envelope.

By copy of this letter I am notifying counsel of record of the filing of this Motion. Thank you for your attention to this matter. Should you have any questions, please do not hesitate to contact me.

Respectfully,



Bradford N. Martin

/pm  
Enclosures

cc: Bruce W. Bannister, Esq.  
Stanley T. Case, Esq.  
William Harry Ehliens, Esq.  
Alan Wilson, Esq.  
J. Emory Smith, Esq.  
Curtis W. Stodghill, Esq.  
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**FIRST CLASS MAIL**  
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BRADFORD NEAL MARTIN & ASSOCIATES, PA  
201 WEST MCBEE AVE., SUITE 302  
P.O. BOX 10410 (29603)  
GREENVILLE, SC 29601

TO:

The Honorable Jenny Abbott Kitchings  
South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

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