

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM YORK COUNTY
Court of Common Pleas

John C. Hayes, III, Circuit Court Judge

Case No. 2009-CP-46-03360

ROBERT K. MARSHALL, Jr., and
DONNA CHAPMAN MARSHALL,
doing business as "Rock Hill Property Management",
a South Carolina general partnership, Appellants,

vs.

THE CITY OF ROCK HILL, SOUTH CAROLINA,
a municipal corporation,
CAREY F. SMITH, in his capacity as City Manager, and
LORI THOMAS,
in her capacity as Customer Services Manager Respondents.

MOTION TO FILE OUTSIDE TIME

Pursuant to Rules 240 and 263(b), S.C.A.C.R., the Appellants, by their counsel herein, move this Court for an order allowing them to file their Initial Reply Brief outside time, on the grounds stated below:

1. The time for the Appellants' Initial Reply Brief and any revised Designation of Matter was set for December 20th, 2013.
2. The Order allowing this extension specified that any further extension would be refused, barring extraordinary circumstances.
3. Counsel for the Appellants was unable to complete the Initial Reply Brief in question due to the press of business and the complexity of the issues raised by this appeal. This Appellate case involves unusual and difficult issues seldom, if ever, dealt with in the precedent of this State. Counsel for Movants would characterize those issues as among the most complex he has been called upon to brief before an Appellate Court. He regarded their complexity to be

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SC Court of Appeals

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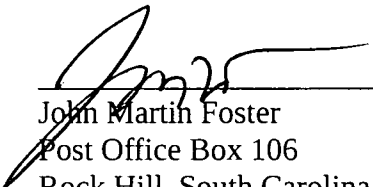
such as to require a Reply Brief on his part, which could not be produced in any short period. He was also hampered by his secretary's absence during that season.

4. By his Motion of December 29, 2013, and based upon the facts recited above, counsel for Appellant requested a reasonable extension of time to submit the Appellant's Initial Reply Brief.
5. On January 15, 2014, and prior to the receipt of the Court's recent Order, counsel for Appellants served the Initial Reply Brief.
6. By its Order of January 14, 2014, received on January 16, 2014, the Court sets a date for production of the Record on Appeal; counsel for Movants has no argument with that date or that requirement.
7. By the same Order, the Court indicates that it will consider a Motion to file outside time, which is intended to be set forth in this pleading.
8. Counsel was without any intention of showing disrespect toward this Court, or of treating its requirements lightly. He was without the capacity to finish the Appellants' Initial Reply Brief within the time originally demanded. He felt that the facts set out in his Motion of December 20, 2014, and more fully stated in this Motion, are sufficient to explain the reasons for a further extension.

The basis of this Motion is the within-cited Rule, the records of this appeal, and any attached affidavit or stipulation of the undersigned, which items are hereby incorporated in this Motion.

WHEREFORE, the Appellants herein move this Court for to file their Initial Reply Brief outside time, pursuant to Rule 240 and 263(b), S.C.A.C.R.

January 21, 2014



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Attorney for Appellants

Other Counsel of Record:

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PROOF OF SERVICE

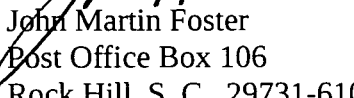
I certify that I have served the Motion for Extension of Time dated January 21, 2014, on the following counsel or persons of record:

Wm. Mark White
Jeremy D. Melville
Spencer & Spencer, PA
PO Box 790
Rock Hill, SC 29731

by depositing the same with the United States mail, with sufficient first class postage attached, properly addressed to the clerk of the Court, and with a copy also directed to the respective last known address(es) of those attorney(s) and/or persons set out above; or

by hand delivering copies of the same to the following persons, or by leaving the same at that person's office with that person's clerk or some other person in charge thereof, or by leaving it in a conspicuous place therein; or if the office was closed or the person to be served has no office, by leaving a copy at that person's dwelling place or usual place of abode with some person of suitable age and discretion then residing therein, all pursuant to Rule 262, S.C.A.C.R.

January 21, 2014


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Attorney for Appellants

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Rock Hill South Carolina 29730	29731-6106	jmfoster@comporium.net

January 21, 2014

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

Re: Robert K. Marshall and Donna Chapman Marshall, Appellants
v. City of Rock Hill, et al., Respondents
Docket No. 09-CP-46-03360

Dear Ms. Kitchings:

In accordance with Rules 240 and 263(a), S.C.A.C.R., enclosed herewith please also find the original and seven (7) copies of the Appellants' Motion to File Outside Time, together with Certificate of Service for the same in the above referenced case. I also enclose our check for the Motion fee of \$25.00.

By copy of this letter, I am serving the attorneys for the Respondents with copies of the said Motion, as evidenced by the Certificates of Service.

Please return the extra conformed copy to my office in the enclosed self-addressed, stamped envelope. As always, thank you, and your staff, for your assistance in these matters.

Sincerely yours,



John Martin Foster

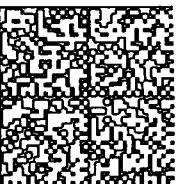
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enclosures
cc: Client File

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SC Court of Appeals



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TO: THE HONORABLE JENNY ABBOTT KITCHINGS

CLERK OF THE COURT OF APPEALS

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COLUMBIA, S.C. 29211