

Tristan M. Shaffer

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March 5, 2014

Clerk of the Court of Appeals
1015 Sumter Street
Columbia, SC 29201


RE: City of Columbia v. Assaad-Faltas (Appellate Case No: 2013-000946)

Dear Clerk of Court,

Please file the enclosed Petition to File Out of Time and Petition for Extension to File the Initial Brief and Designation of Matter to be Included in the Record on Appeal. Please also return a copy of the same in the enclosed envelope

Thank you for your assistance with this matter. If you have any questions please send contact me.

Sincerely,



Tristan M. Shaffer

CC:
David Fernandez
P.O. Box 667
Columbia, SC 29202

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MAR 06 2014

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Richland County
James R. Barber, Circuit Court Judge

MARIE FALTAS,

APPELLANT,

V.

THE CITY OF COLUMBIA,

RESPONDENT.

Appellate Case No. 2013-000946

**PETITION TO FILE OUT OF TIME AND PETITION FOR EXTENSION TO FILE
THE INITIAL BRIEF AND DESIGNATION OF MATTER TO BE INCLUDED IN
THE RECORD ON APPEAL**

The undersigned counsel would respectfully requests to file the Initial Brief and Designation of Matter to be Included in the Record on Appeal out of time and have his time limit for filing these documents extended until April 4, 2014. In support of this motion, counsel would respectfully show the Court the following exigent circumstances:

1. Appellant received the transcript in this case on December 6, 2014; however, due to a clerical error in Counsel's office, Counsel did not notify the Court of this matter until January 24, 2014.
2. In a letter dated January 31, 2014 sent to P.O. Box 176 Chapin, SC 29036, Appellant was notified that the Initial Brief and Designation of Matter in this case were due to be served and filed on January 6, 2014.
3. Counsel received the January 31, 2014 letter until¹ February 25, 2014.

¹ Counsel's correspondence concerning this case was sent to a P.O. Box in Chapin. Counsel no longer uses this address and does not regularly check it. Counsel updated his address in AIS during May 2013, his address was again changed in February 2014.

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SC Court of Appeals

4. Counsel regrets this unintentional delay. In addition to this appeal counsel is appointed to represent Appellant on two appeals in Common Pleas and a Matter before the South Carolina Supreme Court.

5. All of Appellant's cases are complicated, and Counsel regrets that he failed to file these documents on time.

6. This request is made in good faith, and not for purposes of delay.

7. Counsel has attempted to speak with counsel for the Respondent, David Fernandez to obtain his consent; however, Mr. Fernandez has been unavailable to speak to Counsel

WHEREFORE, the undersigned counsel would respectfully requests to file the Initial Brief and Designation of Matter to be Included in the Record on Appeal out of time and have his time limit for filing these documents extended until April 4, 2014. Counsel requests that the time limits be held in abeyance pending a ruling on this motion.

Respectfully submitted,



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COLUMBIA SC

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