

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Circuit Court
Marvin Dukes, Jr.
Master-in-Equity

Case No. 2011-CP-07-2216
Appellate Case No. 2012-213582

Helena P. Tirone and Truman's Eclectic Irish Pub, Inc.Respondents,

v.

Thomas W. Dailey Appellant.

MOTION FOR LEAVE TO FILE FINAL REPLY BRIEF OUT OF TIME

RECEIVED

MAR 10 2014

SC Court of Appeals

RECEIVED

MAR 10 2014

SC COURT OF APPEALS

André Dubose Rembert
17 Clemson Street
Charleston, SC 29403
andrerembert@gmail.com
843-518-3232

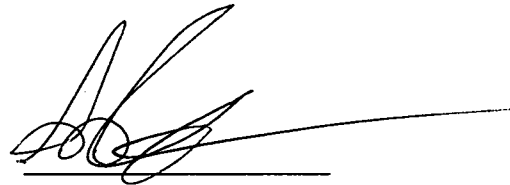
Attorney for Appellant

Appellant, pursuant to Rules 240 & 263(b), SCACR, moves this Court for leave to file his Final Reply Brief out of time.¹ The Appellant would show the following in support of his motion:

The arguments contained in the Reply Brief were not only disclosed to Respondents and this Court on May 16, 2013, via the Initial Reply Brief, they were also presented, in whole or in part, during oral arguments on March 5, 2014. Accordingly, there would be no prejudice for this Court to accept and consider the Final Reply Brief.

Further, should this Court affirm the trial court using any of the Respondents' erroneous arguments, the arguments contained in the Reply Brief will doubtless appear in the Appellant's Petition for Rehearing. Considering the Final Reply Brief now will not only promote judicial efficiency, it will also allow this Court to prepare an opinion with sound reasoning that would not require a subsequent re-filing.

Wherefore, the Appellant asks this Court for leave to file his Final Reply Brief out of time for the Court's consideration and grant any such other relief this Court deems just and proper.

A handwritten signature in black ink, appearing to read 'A. Dubose Rembert', is written over a horizontal line. The signature is stylized and cursive.

André Dubose Rembert
17 Clemson Street
Charleston, SC 29403
andrerebert@gmail.com
843-518-3232

Attorney for Appellant

March 7, 2014

¹ Fifteen copies of the Final Reply Brief compliant with Rule 211, SCACR, are enclosed with this motion.

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM BEAUFORT COUNTY
CIRCUIT COURT
Marvin Dukes
Master-in-Equity

Case No.: 2011-CP-07-02216
Appellate Case No. 2012-213582

Helena P. Tirone and Truman's
Eclectic Irish Pub, Inc,..... Respondent,

v.

Thomas W. Dailey.....Appellant.

PROOF OF SERVICE

I, André Rembert, attorney for the Appellant, certify that I have served opposing counsel in this action by serving a copy of the pleading(s) herein below specified by mailing a copy of the same by U.S. Mail to the following on the date listed below:

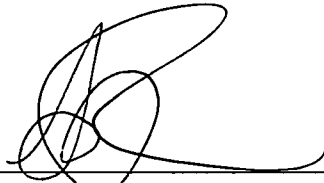
Pleadings: MOTION FOR LEAVE TO FILE FINAL REPLY BRIEF OUT OF TIME

Party Served: J. Ashley Twombly
twombly@twlawfirm.com
TWENGE + TWOMBLEY LAW FIRM
311 Carteret Street
Beaufort, SC 29902

RECEIVED

MAR 10 2014

SC Court of Appeals



André DuBose Rembert, Esq.
andrerembert@gmail.com
17 Clemson Street
Charleston, SC 29403
843.518.3232 (phone)
Attorneys for Appellant

Dated: March 7, 2014