

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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MAR 24 2014

APPEAL FROM YORK COUNTY  
Court of Common Pleas

71675

**SC Court of Appeals**

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 FOR EXTENSION OF TIME  
or TO FILE OUTSIDE TIME

Pursuant to Rules 240, 263(b) and 211,, S.C.A.C.R., the Appellants, by their counsel herein, move this Court for an order granting them an extension of time in which to file their Final Brief and Reply Brief, on the grounds stated below:

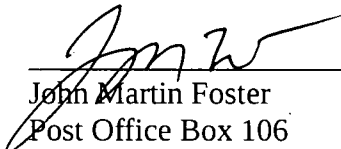
1. The time for the Appellants' final Brief and Reply Brief was, on knowledge and information, due on March 11<sup>th</sup>, 2014. Those Brief are submitted contemporaneously with this Motion.
2. Counsel for the Appellants was unable to complete the pleadings in question due to his absence from the office during most of the week of March 10<sup>th</sup> due to illness, and due to the press of business. He was also delayed by the complexity of the issues raised in this appeal and the consequent need to regularize the authorities cited.
3. By this Motion, and based upon the facts recited above, counsel for Appellants respectfully

requests an extension of time to submit the Appellant's final Brief and Reply Brief through the date of the receipt hereof.

The basis of this Motion is the within-cited Rules, 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 an extension of time in which to file their final Brief and Reply Brief, or to file the same outside time, through the date of the receipt hereof, pursuant to Rules 240, 263(b) and 211, S.C.A.C.R.

March 20, 2014

  
\_\_\_\_\_  
John Martin Foster  
Post Office Box 106  
Rock Hill, South Carolina 29731  
803 324-8100  
Attorney for Appellants

Other Counsel of Record:

Wm. Mark White  
Jeremy D. Melville  
Spencer & Spencer, PA  
PO Box 790  
Rock Hill, SC 29731  
803 327-7191

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PROOF OF SERVICE

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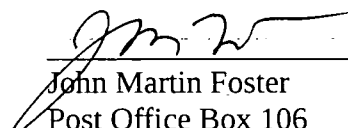
I certify that I have served the Motion for Extension of Time or to File Outside Time dated March 20, 2014, on the following counsel or persons of record:

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.

March 20, 2014

  
\_\_\_\_\_  
John Martin Foster  
Post Office Box 106  
Rock Hill, S. C. 29731-6106  
803 324-8100  
Attorney for Appellants

**JOHN MARTIN FOSTER**

*Attorney at law*

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223 East Main Street Suite 520	Rock Hill SC	803 324 8109 Fax
Rock Hill South Carolina 29730	29731-6106	jmfoster@comporium.net

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March 20, 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

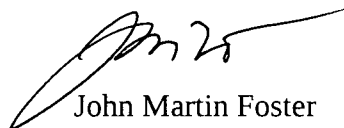
Dear Ms. Kitchings:

In accordance with Rules 240, 263(b) and 211, S.C.A.C.R., enclosed herewith please also find the original and seven (7) copies of our Motion for Extension of Time or to File Outside Time, relating to the Appellants' final Brief and Reply Brief, the originals and fifteen (15) copies of which are also included herewith, together with Certificates of Service for each of the same in the above referenced case.

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

Please return the extra conformed copies 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

jmf/  
enclosures  
cc: Client File

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