



BLUESTEIN · NICHOLS · THOMPSON · DELGADO LLC
ATTORNEYS AT LAW

Margaret Miles Bluestein
John Shannon Nichols
Stacy Elizabeth Thompson
John Dennis Delgado
Allison Paige Sullivan
Ashley Trout Thompson
Blake Alexander Hewitt
Kenneth Henry Dojaquez
John Clarke Newton

OF COUNSEL
O. Eugene Powell, Jr.

RECEIVED
JUL 17 2014
SC Court of Appeals

July 17, 2014

VIA HAND DELIVERY

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

RE: McAlhane v. McElveen
Case Tracking No. 2010-167969

Dear Ms. Kitchings:

This letter concerns the respondent's request for a fifth extension of his initial briefing deadline. I have never opposed an extension request, and I have no intention of breaking that streak, but out of fairness to my client, who filed his brief in December of last year, I do wish to bring the following to the Court's attention.

This case was tried in January of 2010. The trial judge decided the post-trial motions in July of that year, and my client filed a notice of appeal that same month. This was over four (4) years ago, and we are still not done with the briefing process.

To be fair, it took eight (8) months for Court Administration to tell the parties that part of the trial transcript had been lost. But after this, and at the respondent's request, my client sought four (4) extensions in order to allow the respondent to investigate the missing transcript rather than having the matter immediately remanded to the trial court for the reconstruction process described in China v. Parrott and other cases. See 251 S.C. 329, 334, 162 S.E.2d 276, 278 (1968). The present extension is thus the ninth extension sought on the respondent's behalf. I am not opposing the request, but this case must move forward.

If you have any questions, need any additional information, or if I may be helpful to you in any way, please do not hesitate to contact me.

Yours sincerely,

Blake A. Hewitt by emb w/ express permission

cc: Robert V. Mathison, Jr., Esquire