

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

J.C. Nicholson, Jr., Circuit Court Judge

Appellate Case No. 2014-000175

Circuit Case No. 2012-CP-10-1332

BETTY FISHER, as Real Representative
For Alice Shaw-Baker.....Appellant
v.

BESSIE HUCKABEE, KAY PASSAILAGUE SLADE,
SANDRA BYRD, and PETER KOUTEN, and DOES 1 through 100, Defendants,

Of Whom BESSIE HUCKABEE, KAY PASSAILAGUE SLADE,
SANDRA BYRD, and PETER KOUTEN are.....Respondents

APPELLANT’S MOTION FOR EXTENSION OF TIME TO FILE BRIEF IN REPLY

JOHN HUGHES COOPER, ESQUIRE
John Hughes Cooper, P.C.
1476 Ben Sawyer Blvd., Suite 7
Mt. Pleasant, SC 29464
shiplaw@jhcooper.com
843-883-9099; fax 843-883-9335
and
LISA FISHER, ESQUIRE
Pro hac vice
c/o John Hughes Cooper, P.C.
1476 Ben Sawyer Blvd., Suite 7
Mt. Pleasant, SC 29464
shiplaw@jhcooper.com
843-883-9099; fax 843-883-9335
(Attorneys for Appellant)

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SC Court of Appeals

COMES NOW Appellant by and through undersigned counsel and moves this Honorable Court for a 10 day extension of time to file a Brief in Reply. The reason for this Motion is service of the Initial Brief of Respondent at an incorrect address, which resulted in delivery to counsel on July 2, 2014.

In support of this Motion copies of the following documents are attached:

1. cover letter from Peter A. Kouten, Esquire and Proof of Service, both dated June 23, 2014 and received by mail on July 2, 2014 with Initial Brief of Respondent Peter Kouten;
2. envelope mailed by counsel for Respondents June 23, 2014 to the incorrect address;
3. envelope mailed by counsel for Respondents July 1, 2014 to the correct address.

Rule 208(a)(3), SCACR, provides, “An appellant may file and serve a brief in reply to the brief of respondent. If a reply brief is prepared, appellant shall, within ten (10) days after service of respondent’s brief, serve one copy of the reply brief on all parties to the appeal and file with the clerk of the appellate court one copy of the reply brief with proof of service.”

Rule 262(b), SCACR, provides that service by mail is complete upon mailing. Strict application of the above rules would make Appellant’s Brief in Reply due today, when the Initial Brief of Respondent was received by mail yesterday. The delay in receipt by mail was due to no mistake or fault of Appellant, but in Respondents’ mailing to the incorrect address. In fairness the present circumstances require an extension of the time to serve and file a Brief in Reply. Rule 263(b), SCACR, provides that the Court may extend the time “for performing any act except the time for serving the notice of appeal.”

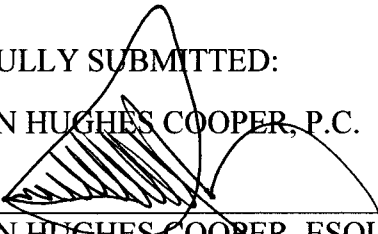
In the present circumstances, justice and fairness to the parties require an extension of the time for appellant to file and serve a Brief in Reply.

WHEREFORE Appellant Moves this Court for an Order Extending Time to file Brief in Reply.

July 3, 2014

RESPECTFULLY SUBMITTED:

JOHN HUGHES COOPER, P.C.



JOHN HUGHES COOPER, ESQUIRE

Federal Court ID 298

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ATTORNEYS FOR APPELLANT

Other Counsel of Record:

Peter A. Kouten, Esquire

Kouten Law Firm, LLC

P.O. Box 340a

Johns Island, SC 29457

W. Westbrook Wills III, Esquire

38 Broad Street, Suite 200

Charleston, SC 29401

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

J.C. Nicholson, Jr., Circuit Court Judge

Appellate Case No. 2014-000175

Circuit Case No. 2012-CP-10-1332

BETTY FISHER, as Real Representative
For Alice Shaw-Baker.....Appellant
v.

BESSIE HUCKABEE, KAY PASSAILAGUE SLADE,
SANDRA BYRD, and PETER KOUTEN, and DOES 1 through 100, Defendants,

Of Whom BESSIE HUCKABEE, KAY PASSAILAGUE SLADE,
SANDRA BYRD, and PETER KOUTEN are.....Respondents

PROOF OF SERVICE

I certify that I have served the APPELLANT’S MOTION FOR EXTENSION OF TIME TO FILE BRIEF IN REPLY and attached documents on the following counsel and parties by depositing on July 3, 2014 a copy of it in the United States Mail, postage prepaid, addressed as follows:

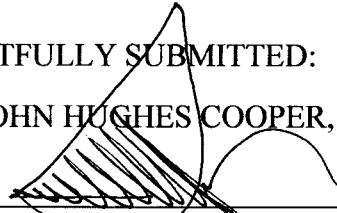
Peter A. Kouten, Esquire
Kouten Law Firm, LLC
P.O. Box 340a
Johns Island, SC 29457

W. Westbrook Wills III, Esquire
38 Broad Street, Suite 200
Charleston, SC 29401

July 3, 2014

RESPECTFULLY SUBMITTED:

JOHN HUGHES COOPER, P.C.



JOHN HUGHES COOPER, ESQUIRE

Federal Court ID 298

South Carolina Bar 1387

State Bar of Georgia 185586

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KOUTEN LAW FIRM, LLC

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Charleston, South Carolina 29401
TEL: (843) 670-3919
FAX: (843) 559-4102

*Received
7-2-2014*

Mailing address:
PO Box 340
JOHNS ISLAND, SC 29457

EMAIL: pkouten@gmail.com
www.elderlawcharleston.com

June 23, 2014

The South Carolina Court of Appeals
ATTN: Jenny A. Kitchings, Clerk
P.O. Box 11629
Columbia, South Carolina 29211

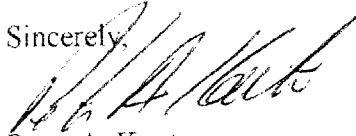
**Re: Fisher, Betty v. Huckabee, Bessie, etal.
Appellate Case #2014-000175**

Dear Ms. Kitchings:

Please find enclosed Respondent's Brief in the above referenced matter. Also enclosed please find Proof of Service on all parties to the appeal.

I have also enclosed additional copy to be clocked and returned in the envelope provided for my records. Please contact me if you have any questions regarding this filing.

Sincerely,



Peter A. Kouten

CC: **John Hughes Cooper, Esq.**
Lisa Fischer, Esq.
W. Westbrook Wills, Esq.
Mary Francis Jowers, Esq. for Honorable Alan Wilson

THE STATE OF SOUTH CAROLINA
In The Court Of Appeals

APPEAL FROM CHARLESTON COUNTY
Court Of Common Pleas

Honorable Thomas L. Hughston, Jr., Circuit Court Judge

Appellate Case No. 2014-000175
Case No. 2009-CP-10-3010

BETTY FISHER,

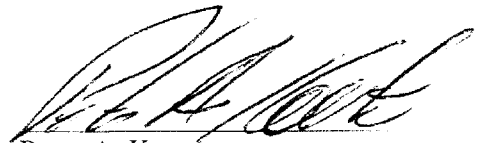
Appellant,

v.

BESSIE HUCKABEE, KAY PASSAILAGUE SLADE, SANDRA BYRD and
PETER KOUTEN, etal., Respondents.

PROOF OF SERVICE

I certify that I have served Respondent Peter Kouten Reply Brief to Appellant's Initial Brief on Respondent by U.S. Mail, on June 23, 2014, and further addressed to attorneys of record as shown below.



Peter A. Kouten
PO Box 340
Johns Island, SC 29457
(843) 670-3919

June ^{23rd}, 2014

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SC Court of Appeals

Other Counsel of Record

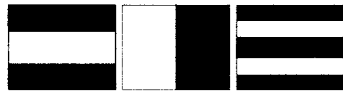
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Mary Frances Jowers, Esq.
Honorable Alan Wilson
Attorney General
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38 Broad St., Ste 200
Charleston, SC 29401

JOHN HUGHES COOPER PC

ADMIRALTY & MARITIME LAW & CIVIL LITIGATION



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shiplaw@jhcooper.com

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July 3, 2014

Hon. Jenny A. Kitchings, Clerk
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Re: Betty Fisher, as Real Representative for Alice Shaw-Baker, Appellant v. Bessie Huckabee, Kay Passailague Slade, Sandra Byrd, and Peter Kouten, Respondents, Appellate Case No. 2014-000175

Dear Ms. Kitchings:

Enclosed for filing please find the original and six copies of Appellant's Motion for Extension of Time to File Brief in Reply, Proof of Service, and attached documents, with a check for the \$25.00 Motion Fee.

Also enclosed please find a copy of our filing for date stamping and return to us in the enclosed envelope.

Thank you for your assistance with this matter.

Best regards.

Very truly yours,

John Hughes Cooper

Enclosures: as stated

Cc: W. Westbrook Wills III, Esquire
Peter A. Kouten, Esquire

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SC Court of Appeals

WE COVER THE WATERFRONT

1476 Ben Sawyer Blvd., Suite 7 | Mount Pleasant, SC 29464 | office 843.883.9099 fax 843.883.9335



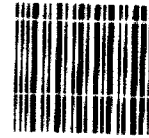
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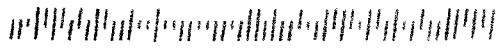
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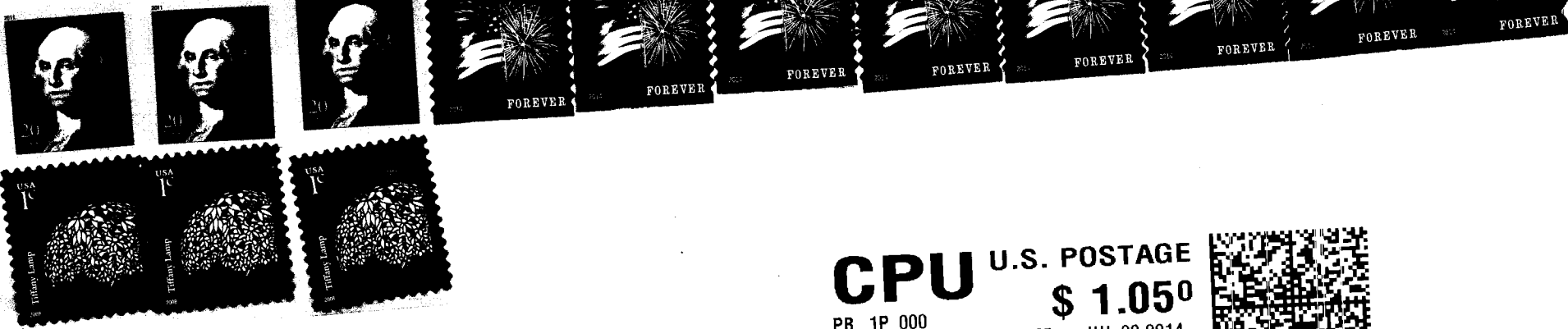
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JOHN HUGHES COOPER, P.C.
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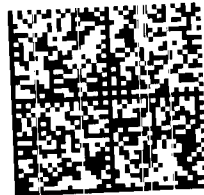
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