

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS  
No. 2014-001472

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Appeal from Newberry County  
Court of Common Pleas

Frank R. Addy, Jr., Circuit Court Judge  
Civil Action No. 2009-CP-36-415

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**RECEIVED**

AUG 01 2014

**SC Court of Appeals**

73057

John S. Frick,

Appellant,

v.

Keith Fulmer, Eleanor F. Bush,  
Benny A. Bush, Joseph R. Childers,  
Justin Chadwick, Victoria Chadwick,  
S.C. Electric & Gas, and Newberry County

Respondents.

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**MOTION FOR EXTENSION OF TIME IN WHICH TO  
FILE INITIAL BRIEF OF APPELLANT**

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Pursuant to Rule 234 of the South Carolina Appellate Court Rules, the undersigned, as attorney for the Appellant, hereby moves for a 30-day extension of time (i.e., until September 5, 2014) in which to file the Initial Brief of Appellant and Designation of Matters to be Included in the Record in the above-referenced case.

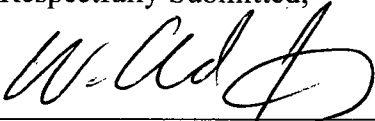
The grounds for this motion are that the undersigned counsel is and has been involved in other matters, including numerous jury trials and family court trials and has been out of the office with family matters requiring his time and attention leading up to the date the Initial Brief and Designation are to be filed on

August 7, 2014. The undersigned attests it will be extremely difficult for him to conclude his Initial Brief by the original due date.

Accordingly, the undersigned hereby requests a thirty (30) day extension until September 5, 2014 to file the Initial Brief of Appellant and Designation. The undersigned attempted to obtain the consent of opposing counsel prior to the filing of this Motion. Attorneys Edwards and Tothacer responded and indicated they were unable to consent at this time.

Respectfully Submitted,

By:



W. Chad Jenkins, Esquire  
POPE AND HUDGENS, P.A.  
1508 College Street  
Post Office Box 190  
Newberry, SC 29108  
Tel: (803) 276-2532  
Fax: (803) 276-8684  
SC Bar: 16694  
cjenkins@popeandhudgens.com

ATTORNEYS FOR APPELLANT

Newberry, South Carolina  
July 31, 2014

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS  
No. 2014-001472

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Appeal from Newberry County  
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**AFFIDAVIT OF W. CHAD JENKINS**


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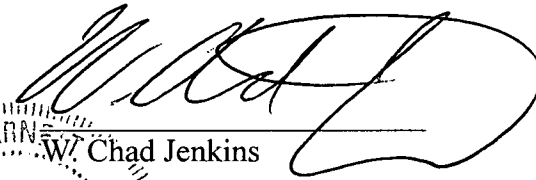
**PERSONALLY** appeared before me W. Chad Jenkins who being duly sworn,  
deposes and says:

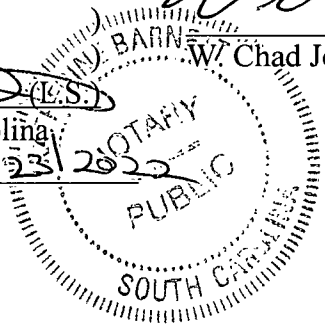
1. I am the attorney for the Appellant, John S. Frick, in the above-referenced appeal.
2. I hereby request an extension of time up to and including September 5, 2014, in which to file the Initial Brief of Appellant which is currently due on August 7, 2014.

3. Despite my best efforts and due to other commitments, including numerous trials, I am concerned that I will not have the opportunity to conclude Appellant's Initial Brief in this case by August 7, 2014.
4. I have contacted counsel of record seeking their consent to said extension. Jay Bressler, attorney for SCANA, did not reply. William H. Edwards, attorney for Keith Fulmer, and Austin J. Tothacer, Jr., attorney for Newberry County, responded and indicated that they were unable to consent. I did not attempt to contact the unrepresented Defendants and would note that all took no real part in the underlying litigation and were found to be in default.

SWORN to before me this 31 )  
day of July, 2014 )

  
Notary Public for South Carolina  
My commission expires: 10/23/2022

  
W. Chad Jenkins



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**PROOF OF SERVICE**

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I certify that I have served the Notice of Appeal on the Defendants by depositing a copy of it in the United States Mail, postage prepaid, on July 31, 2014, addressed to their attorneys of record, or them personally as follows:

**COUNSEL AND PARTIES SERVED:**

William H. Edwards, Esquire  
Moore, Taylor & Thomas, P.A.  
PO Box 5709  
West Columbia, SC 29171  
Attorney for Defendant Keith Fulmer

Rudolph C. Barnes, Jr., Esquire  
156 Barnes Trail  
Little Mountain, SC 29075  
Attorney for Keith Fulmer

Austin J. Tothacer, Jr., Esquire  
Newberry County Attorney  
Courthouse Annex  
1309 College St.  
Newberry, SC 29108  
Attorney for Newberry County

Jay Evan Bressler, Esquire  
SCANA Legal Department  
220 Operation Way, M.C.-C222  
Cayce, SC 29033  
Attorney for SCE&G

Mr. Joseph R. Childers  
1630 Wheeland School Rd  
Little Mountain, SC 29075-9269

Justin & Victoria Chadwick  
1622 Wheeland School Road  
Little Mountain, SC 29075

Benny & Eleanor Bush  
1714 Nursery Rd  
Little Mountain, SC 29075-9464

**PLEADING SERVED:**

Motion for Extension of Time in Which to File Initial Brief of Appellant  
Affidavit of W. Chad Jenkins

A handwritten signature in black ink, appearing to read 'Katherine Barnett', written over a horizontal line.

Katherine Barnett  
Paralegal to W. Chad Jenkins

THOMAS H. POPE III  
W. CHAD JENKINS  
KYLE B. PARKER

**DOPE  
&  
HUDGENS**  
ATTORNEYS, P.A.

JOSEPH W. HUDGENS  
*Of Counsel*  
THOMAS H. POPE  
(1913-1999)

1508 COLLEGE STREET-P.O. BOX 190  
NEWBERRY, SOUTH CAROLINA 29108  
PHONE (803) 276-2532 FAX (803) 276-8684  
WWW.POPEANDHUDGENS.COM  
July 31, 2014

V. Claire Allen, Deputy Clerk  
The South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211-1629

RE: John Frick, Appellant v. Keith Fulmer et al., Respondents  
Case Tracking No. 2014-001472  
Civil Action No. 2009-CP-36-415

Dear Ms. Allen:

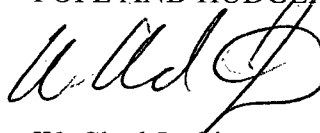
Enclosed herewith for filing are the original and six (6) copies of the Motion for Extension of Time in which to File Initial Brief of Respondent and Affidavit of W. Chad Jenkins in the above-referenced matter, together with our firm check in the amount of \$25 for the filing fee as well as my Proof of Service of the Motion and Affidavit upon counsels of record in this matter.

Also enclosed is a copy of this letter, along with a copy of the Motion and the Affidavit which I would appreciate your having clocked-in and returned to me in the enclosed self-addressed, stamped envelope. Thank you for your assistance in this matter.

With kind regards.

Sincerely,

POPE AND HUDGENS, P.A.



W. Chad Jenkins

WCJ:kb

Enclosures

cc: Will Edwards, Esq. w/enc.  
Rudy Barnes, Esq. w/enc.  
Jay Tothacer, Jr., Esq. w/enc.  
Jay Bressler, Esq. w/enc.  
Defendants Bush w/enc.  
Defendants Chadwick w/enc.  
Defendant Childers w/enc.

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