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THE STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM NEWBERRY COUNTY
Court of Common Pleas.
Frank R. Addy, Jr., Circuit Court Judge

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AUG 08 2014

Appellate Case No.: 2014-000142
Civil Action No.: 2012CP3600484

SC Court of Appeals

Discover Bank.....Respondent,

v.

Samantha P. HendrixAppellant.

MOTION FOR LEAVE TO FILE FINAL BRIEF OUT OF TIME

Counsel for Discover Bank hereby respectfully moves this Court for leave to file the Final Brief Out of Time and to file the accompanying Brief. This motion is made pursuant to Rule 240, SCACR. Additionally, as the grounds of this motion are set forth fully herein, Respondent Discover Bank has not filed a Memorandum in Support of this motion.

The Notice of Appeal in this matter was filed January 15, 2014. Following the Initial Briefing stage, this matter was subsequently transferred from Richard J. Boudreau and Associates, LLC, to the law offices of Richardson Plowden & Robinson, P.A. The transition occurred during the pendency of this appeal and the filing of Respondent Discovery Bank's Final Brief was inadvertently neglected. The undersigned, an attorney for Richardson Plowden & Robinson, P.A., only learned of the deficiency and the failure to file the Final Brief subsequent to this Court's August 1, 2014 letter advising of same. The undersigned, counsel for Respondent

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Discover Bank, respectfully submits that the failure to timely file the Final Respondent's Brief was due to inadvertence and mistake and would request the Court grant leave to file the Final Brief Out of Time and find that good cause has been shown. Counsel further believes that the granting of this motion would not prejudice the Appellant.

The proposed Final Brief and requisite copies are being filed concurrently with the present motion.

Respectfully submitted,



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**ATTORNEYS FOR RESPONDENT
DISCOVERY BANK**

August 8, 2014

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Discover Bank.....Respondent

v.

Samantha Hendrix.....Appellant.

CERTIFICATE OF SERVICE

I, the undersigned, an employee of Richardson Plowden & Robinson, P.A., attorneys for Respondent Discover Bank, do hereby certify that I have this date served the foregoing Motion for Leave to File Final Brief Out of Time by personally depositing a copy of the same in a United States Postal Service mailbox, postage paid, addressed to the following:

Rolf M. Baghdady
118 Cobblestone Court
Chapin, South Carolina 29036-9705


Daisy F. Bonds

Dated: August 8, 2014

August 8, 2014

Columbia
Direct Dial (803) 576-3718
sbias@richardsonplowden.com

VIA HAND DELIVERY

The Honorable Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
Edgar Brown Building
1205 Pendleton Street
Columbia, South Carolina 29201

Re: Discover Bank, Respondent v. Samantha Hendrix, Appellant
Appellate Case No.: 2014-000142
Civil Action No.: 2012-CP-36-00484
Our File No.: 7615-8052

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AUG 08 2014

SC Court of Appeals

Dear Ms. Kitchings,

Enclosed please find for filing:

- (1) Notice of Association in the above referenced matter;
- (2) Seven (7) copies of the Motion for Leave to File Respondent's Final Brief out of Time, certificate of service, and \$25.00 filing fee;
- (3) One unbound original and seventeen (17) bound copies of Respondent's Final Brief and certificate of service.
- (4) Supplemental Citations pursuant to Rule 208, SCACR and certificate of service.


I would request that the additional copies of the Motion and Final Brief be file stamped and returned to our courier.

We are this day serving a copy of the foregoing documents on Appellant's counsel.

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The Honorable Jenny Abbott Kitchings
August 8, 2014

With kinds regards, I am

Sincerely,



Sheila M. Bias
S.C. Bar # 100005

SMB/

cc: S. Nelson Weston, Esquire (w/enclosures)
Timothy Griffith, Esquire (w/enclosures)
Rolf M. Baghdady, Esquire (w/enclosures)