

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

G. Thomas Cooper, Jr., Circuit Court Judge

Case Number: 2013-CP-40-01469
Appellate Case No: 2014-000058

RECEIVED

OCT 24 2014

SC Court of Appeals

73958

Hugh Allen Hoover..... Appellant

v.

L.A. Blue and Kem Dempsey..... Respondents

MOTION TO FILE MOTION FOR EXTENSION OUT OF TIME

Appellant Hugh Allen Hoover, by and through his undersigned counsel of record, respectfully submits to this Court a Motion for an Extension of time to file his Record on Appeal out of time.

In support of his motion Appellant states the following:

1. Appellant filed his Initial Brief and Designation of Matter to be Included in the Record on Appeal with this Court on August 6, 2014. However, Appellant's counsel has no record of receiving the Respondent's Initial Brief and Designation of Matter to be Included in the Record on Appeal in the mail, although Appellant's counsel has recently been informed that Respondent's Initial Brief and Designation of Matter to be Included in the Record on Appeal was filed with this Court on September 4, 2014 with

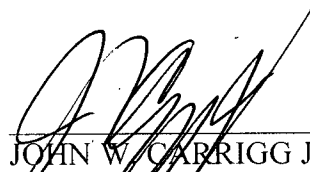
a copy mailed at that time to Appellant's counsel office address, and Appellant's counsel has since confirmed that Respondent's Initial Brief and Designation of Matter to be Included in the Record of Appeal was filed with the Court on that date, having obtained a copy of the Respondent's Initial Brief and Designation of Matter to be Included in the Record on Appeal from the Court's website. Therefore, Appellant's counsel has just been informed and notified that Appellant's Record on Appeal was due to be filed with this Court by October 6, 2014.

2. The undersigned counsel apologizes to the Court for not timely filing the Appellant's Record on Appeal and requests the understanding and consideration of the Court and respectfully requests this Court to grant the Appellant's Motion for Extension to file Record on Appeal out of time. In support of this motion for extension to file out of time the Appellant's Record on Appeal, I am attaching the Affidavit of counsel's Legal Assistant to attest to the facts as set above.

2. The further basis for this request is that as soon as this situation was discovered by Appellant's counsel, Appellant's counsel immediately filed their Motion for Extension to file out of time, seeking additional time to file the Record on Appeal, and as a result, there was no significant delay in Appellant's filing their Record on Appeal. Further, Appellant's counsel is only now in actual receipt of Respondent's Initial Brief and Designation of Matter to be Included in Record on Appeal and requires additional time to review same.

WHEREFORE, the Appellants respectfully request that they be granted their requested Motion to file Motion for Extension out of time to file Appellant's Record on Appeal.

10/29, 2014



JOHN W. CARRIGG JR.
137 E. Butler Street, Suite 6
Lexington, South Carolina 29072
Telephone: (803) 785-5511
Attorney for Appellant

Other Counsel of Record:
Stephanie R. Fajardo, Esquire
The Finney Law Firm, Inc.
2117 Park Street
Columbia, S.C. 29201
Attorney for Respondent

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Hugh Allen Hoover..... Appellant


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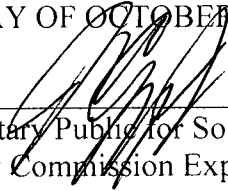
AFFIDAVIT OF ANGELA DODD RABON

I, Angela Dodd Rabon, Legal Assistant to Appellant's counsel, John Carrigg, hereby state that in the normal course of my employment I normally pick up, handle and file the mail received by Carrigg Law Firm. In that regard, I am familiar with the above case file, and I have processed and filed, to the best of my knowledge, all the mail received concerning this case file. However, I am not aware of our office ever receiving a copy of the Respondent's Initial Brief and Designation of Matter to be Included in the Record on Appeal. Specifically, upon being informed by the Appellate Court on October 21, 2014 that Respondent's Initial Brief and Designation of Matter to be Included in the Record on Appeal had been filed in September, making Appellant's Record on Appeal due by October 6, 2014, I immediately searched the file and the entire office, but did not locate a copy of Respondent's Initial Brief and Designation of Matter to be Included in the Record on Appeal in the case file or anywhere else in the office. I

am at a loss as to why we did not receive our copy of the Appellant's Initial Brief and Designation of Matter to be Included on the Record on Appeal in the mail, but it does appear that this particular document was in fact lost in the mail and never received by our office. We were therefore unaware that we were delinquent in filing the Record on Appeal after October 6, 2014.


Angela Dodd Rabon, Legal Assistant

SWORN TO BEFORE ME THIS 22
DAY OF ~~OCTOBER~~ 2014


Notary Public for South Carolina
My Commission Expires: 10/13/21

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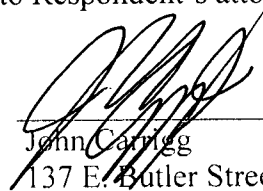
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Hugh Allen Hoover..... Appellant
v.
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PROOF OF SERVICE

I certify that I have served the Motion for Extension to file out of time the Record on Appeal on the above-listed Respondents by depositing a copy of it in the United States Mail, postage prepaid, on October 22, 2014, addressed to Respondent's attorney of record as detailed below.

October 22, 2014


John Carriag
137 E. Butler Street, Suite 6
Lexington, South Carolina 29072
(803) 785-5511
Attorney for Appellant

Other Counsel of Record:

Stephanie R. Farjardo, Esquire
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John Carrigg

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jcarrigg@carrigglaw.com

October 22, 2014

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SC Court of Appeals

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

RE: Hugh Allen Hoover vs. L.A. Blue and Kem Dempsey
Civil Action No.: 2013-CP-40-1469
Appellate Case No: 2014-000058

Dear Ms. Kitchings:

Enclosed for filing please find the original and two (2) copies of the Appellant's Motion to File for Extension Out of Time and Proof of Service in the above-referenced case along with our check in the amount of Twenty-Five (\$25.00), representing payment of the applicable fee. Please find the original and return the clocked copies to my office in the enclosed return envelope.

By copy of this letter, I am also serving the Motion for Extension of Time out of Time upon the Respondent.

Thank you for your assistance in this matter.

With highest regards; I remain

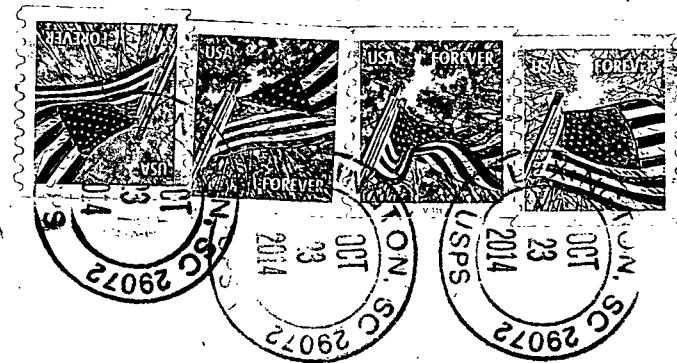
Very truly yours,


JOHN W. CARRIGG, JR.

JWC/adr
Enclosure(s)

cc: Stephanie R. Fajardo, Attorney for Respondents

CARRIGG LAW FIRM
137 E. BUTLER STREET, STE. C
LEXINGTON, S.C. 29072



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The Honorable Jenny A. Kitchings, Clerk of Court
Court

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