

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM YORK COUNTY
Court of Common Pleas

JOHN C. HAYES, III, Circuit Court Judge

Case No. 2013-CP-46-02643

The City of Rock Hill,

Appellant,

v.

James Delaney Allen, III,

Respondent.

MOTION TO PERMIT LATE FILING

The City of Rock Hill seeks permission for late filing of the appeal in this case with the South Carolina Court of Appeals. The initial notice of appeal was timely filed with the York County Clerk of Court on May 19, 2014 and a copy of the Notice of Appeal was timely served on the Respondent (See, Exhibit 1 – Time Stamped Copy of Notice of Appeal and Certificate of Service). Subsequent to filing the Notice of Appeal a request for the transcript was made on May 29, 2014 (See, Exhibit 2 – Request for Transcript) with copies served on the Respondent, S.C. Court Administration and the Clerk of Court for the South Carolina Court of Appeals. The original Notice of Appeal was signed by Paula Knox Brown on my behalf as I was away from the office. Subsequently, when I reviewed our current appeal files, I noticed that while the original Notice of Appeal was filed with the York County Clerk of Court and served on the Respondent, a copy of the same was not forwarded to this Court. On October 24, 2014 my office forwarded a copy of the original Notice of Appeal and certificate of service to the Clerk of Court for the South Carolina Court of Appeals along with a copy of the orders being appealed and I completed an updated certificate of service to reflect the date the Notice of Appeal was being forwarded to this Court (See, Exhibit 3 – Letter & Notice of Appeal to SC Court of Appeals).

For the foregoing reasons, the Appellant requests permission for late filing of the appeal.

November 10, 2014



Christopher E. A. Barton
201 E. Main St., 3rd Floor
Rock Hill, South Carolina 29730
(803) 329-5692
Attorney for Appellant

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NOV 13 2014

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM YORK COUNTY
Court of Common Pleas

JOHN C. HAYES, III, Circuit Court Judge

Case No. 2013-CP-46-02643

The City of Rock Hill,

Appellant,

v.

James Delaney Allen, III,

Respondent.

CERTIFICATE OF SERVICE

The undersigned hereby certifies pursuant to Rule 240 (c) of the South Carolina Appellate Court Rules that a copy of the Motion to Permit Late Filing has been served upon opposing counsel by mailing a copy via regular U.S. Mail to him on the 10th day of November, 2014, to Michael L. Brown, Jr., Attorney for Respondent, Post Office Box 1025, Rock Hill, South Carolina 29731.



Christopher E. A. Barton
201 E Main Street, 3rd Floor
Rock Hill, South Carolina 29730
(803) 329-5692
Attorney for Appellant

RECEIVED

NOV 13 2014

SC Court of Appeals

Exhibit 1 – Time Stamped Copy of Notice of Appeal and Certificate of Service

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

RECEIVED

NOV 13 2014

SC Court of Appeals

APPEAL FROM YORK COUNTY
Court of Common Pleas

John C. Hayes, III, Circuit Court Judge

Case No. 201³CP4603²⁶⁴³645

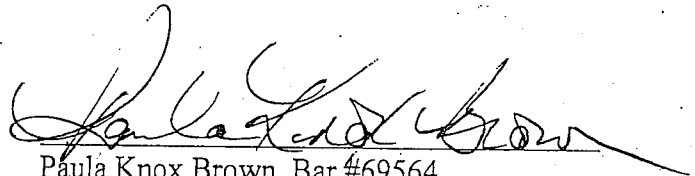
City of Rock Hill.....Appellant,

v.

James Delaney Allen, III.....Respondent.

NOTICE OF APPEAL

The City of Rock Hill appeals the judgment of the Honorable John C. Hayes, III, filed April 18, 2014. A copy of the order was mailed to the undersigned on April 21, 2014.



Paula Knox Brown, Bar #69564
and/or Christopher E. A. Barton
Attorney(s) for Appellant
201 E. Main Street, Suite 300
Rock Hill, South Carolina 29730
803-329-5641

May 16, 2014
Rock Hill, South Carolina

Other counsel of record:
Michael L. Brown, Jr.
Post Office Box 1025
Rock Hill, SC 29731

FILED-RECEIVED
2014 MAY 19 PM 4:08
DAVID HAMILTON
C.C.P. & GS
YORK COUNTY, SC

RECEIVED

NOV 13 2014

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

SC Court of Appeals

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DAVID HATHORN
C.C.C.P. & GS
YORK COUNTY, SC

APPEAL FROM YORK COUNTY
Court of Common Pleas

John C. Hayes, III, Circuit Court Judge

Case No. 2014³CP4603645²⁶⁴³

City of Rock Hill.....Respondent,

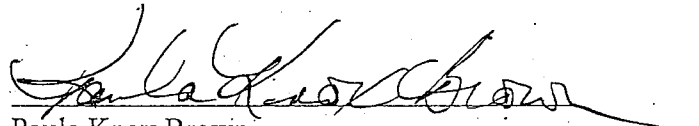
v.

James Delaney Allen, III.....Appellant.

CERTIFICATE OF SERVICE

I, Paula Knox Brown, hereby certify that I served the Notice of Appeal on Michael Brown, counsel for Respondent, by depositing a copy of the document in the United States mail, with sufficient postage affixed, on the 16th day of May, 2014. The envelope was addressed as follows:

Michael L. Brown, Jr.
Post Office Box 1025
Rock Hill, SC 29731



Paula Knox Brown
Attorney(s) for Respondent
201 E. Main Street, Suite 300
Rock Hill, South Carolina 29730
803-329-5641

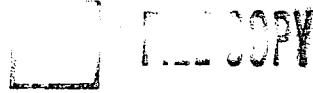
April 16, 2014
Rock Hill, South Carolina

Exhibit 2 – Request for Transcript



ROCK HILL
SOUTH CAROLINA

May 29, 2014



Aminah Hardy
2879 Highway 160 W, Box #4525
Fort Mill, SC 29708

RE: City of Rock Hill, Appellant v. James Delaney Allen, III, Respondent
Case No. 2013-CP-46-02634

Dear Ms. Hardy:

On March 12, 2014, the above case was heard before the Honorable John C. Hayes, III, Circuit Court Judge, in York County. My records indicate that you were the court reporter for this case.

I request that you provide me with a transcript of the proceedings. Please transcribe the entire record. I agree to pay the per page charge for this transcript as provided by Rule 607, SCACR.

Truly yours,

Christopher E. A. Barton
201 E. Main Street, 3rd Floor
Rock Hill, South Carolina 29730
(803) 329-5692
Attorney for Appellant

cc: Michael L. Brown Jr, Esquire
S.C. Court Administration
Clerk, South Carolina Court of Appeals

CITY OF ROCK HILL SOLICITOR'S OFFICE

201 E. MAIN STREET, 3RD FLOOR, ROCK HILL, SOUTH CAROLINA 29730

OFFICE 803/329-5619 FACSIMILE 803/326-3865



Exhibit 3 – Letter & Notice of Appeal to SC Court of Appeals



October 24, 2014

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

RE: City of Rock Hill, Appellant v. James Delaney Allen, III, Respondent
Case No. 2013-CP-46-02643

Dear Ms. Kitchings:

Enclosed for filing is a notice of appeal in the above case. Also enclosed are the following:

- (1) Proof of service of the notice of appeal on the respondent.
- (2) A copy of the orders which are to be challenged on appeal.

Truly yours,

Christopher E. A. Barton
201 E. Main Street, 3rd Floor
Rock Hill, South Carolina 29730
(803) 329-5692
Attorney for Appellant

cc: Michael L. Brown, Jr., Esquire
Post Office Box 1025
Rock Hill, South Carolina 29732
Attorney for Respondent

CITY OF ROCK HILL SOLICITOR'S OFFICE

201 E. MAIN STREET, 3RD FLOOR, ROCK HILL, SOUTH CAROLINA 29730
OFFICE 803/329-5619 FACSIMILE 803/326-3865



IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM YORK COUNTY
Court of Common Pleas

John C. Hayes, III, Circuit Court Judge

Case No. 201³CP4603²⁶⁴³645

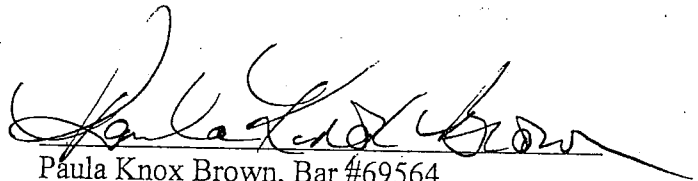
City of Rock Hill.....Appellant,

v.

James Delaney Allen, III.....Respondent.

NOTICE OF APPEAL

The City of Rock Hill appeals the judgment of the Honorable John C. Hayes, III, filed April 18, 2014. A copy of the order was mailed to the undersigned on April 21, 2014.



Paula Knox Brown, Bar #69564
and/or Christopher E. A. Barton
Attorney(s) for Appellant
201 E. Main Street, Suite 300
Rock Hill, South Carolina 29730
803-329-5641

May 16, 2014
Rock Hill, South Carolina

Other counsel of record:
Michael L. Brown, Jr.
Post Office Box 1025
Rock Hill, SC 29731

FILED-RECEIVED
2014 MAY 19 PM 4:08
DAVID HAMILTON
C.C.P. & GS
YORK COUNTY, SC

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

FILED-RECEIVED
2014 MAY 19 PM 4:08
DAVID H. HANCOCK
C.G.C.P. & G.S.
YORK COUNTY, SC

APPEAL FROM YORK COUNTY
Court of Common Pleas

John C. Hayes, III, Circuit Court Judge

Case No. 2014³CP4603²⁶⁴³645

City of Rock Hill.....Respondent,

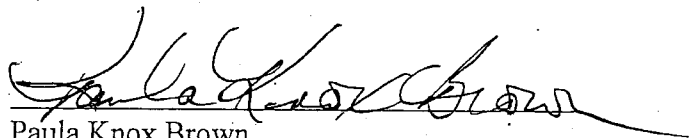
v.

James Delaney Allen, III.....Appellant.

CERTIFICATE OF SERVICE

I, Paula Knox Brown, hereby certify that I served the Notice of Appeal on Michael Brown, counsel for Respondent, by depositing a copy of the document in the United States mail, with sufficient postage affixed, on the 16th day of May, 2014. The envelope was addressed as follows:

Michael L. Brown, Jr.
Post Office Box 1025
Rock Hill, SC 29731



Paula Knox Brown
Attorney(s) for Respondent
201 E. Main Street, Suite 300
Rock Hill, South Carolina 29730
803-329-5641

April 16, 2014
Rock Hill, South Carolina

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

FILED-RECEIVED
2014 MAY 19 PM 4:08
DAVID H. HAYES
C.C.P. & GS
YORK COUNTY, SC

APPEAL FROM YORK COUNTY
Court of Common Pleas

John C. Hayes, III, Circuit Court Judge

Case No. 2011³CP460²⁶³⁴3645

City of Rock Hill.....Respondent,

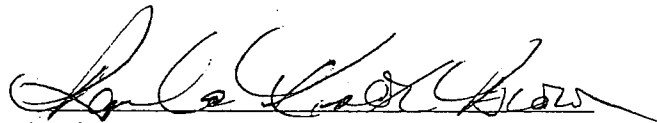
v.

James Delaney Allen, III.....Appellant.

CERTIFICATE OF SERVICE

I, Paula Knox Brown, hereby certify that I served the Notice of Appeal on the York County Clerk of Court's office, by depositing a copy of the document in the United States mail, with sufficient postage affixed, on the 16th day of May, 2014. The envelope was addressed as follows:

Lynn Strait
York County Clerk of Court's Office
Post Office Box 649
York, SC 29745.



Paula Knox Brown
Attorney(s) for Respondent
201 E. Main Street, Suite 300
Rock Hill, South Carolina 29730
803-329-5641

April 16, 2014
Rock Hill, South Carolina

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM YORK COUNTY
Court of Common Pleas

JOHN C. HAYES, III, Circuit Court Judge

Case No. 2013-CP-46-02643

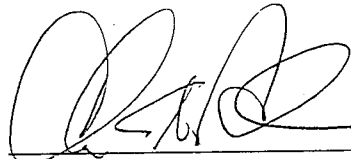
The City of Rock Hill,
James Delaney Allen, III

Appellant,
v.
Respondent.

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies pursuant to Rule 203 (d)(2)(A) of the South Carolina Appellate Court Rules that a copy of the Notice of Appeal in the above captioned case has been served upon opposing counsel by depositing one (1) copy via Regular United States Mail, postage prepaid on the 24th day of October, 2014, to Michael L. Brown, Jr., Attorney for Respondent, Post Office Box 1025, Rock Hill, South Carolina 29732.

October 24th, 2014



Christopher E. A. Barton
201 E Main Street, 3rd Floor
Rock Hill, South Carolina 29730
(803) 329-5692
Attorney for Appellant



November 10, 2014

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

RE: City of Rock Hill, Appellant v. James Delaney Allen, III, Respondent
Case No. 2013-CP-46-02643

Dear Ms. Kitchings:

Enclosed for filing is the original and six copies of our Motion to Permit Late Filing in regards to the above-referenced case.

Truly yours,

Christopher E. A. Barton
201 E. Main Street, 3rd Floor
Rock Hill, South Carolina 29730
(803) 329-5692
Attorney for Appellant

cc: Michael L. Brown, Jr., Esquire
Post Office Box 1025
Rock Hill, South Carolina 29732
Attorney for Respondent

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NOV 13 2014
SC Court of Appeals

CITY OF ROCK HILL SOLICITOR'S OFFICE

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OFFICE 803/329-5619 FACSIMILE 803/326-3865



enny Abbott Kitchings
olina Court of Appeals
.1629
Carolina 29211

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SC Court of Appeals

