



STEPHEN B SAMUELS
ATTORNEY AT LAW

January 8, 2015

RECEIVED
JAN 12 2015
SC Court of Appeals

The Honorable Jenny Abbott Kitchings
Clerk of the South Carolina Court of Appeals
1015 Sumter Street
Columbia, South Carolina 29201

RE: Hector G. Fragosa v. Kade Construction, LLC, et al
Appellate Case No.: 2014-002354

Dear Ms. Kitchings:

I am writing regarding the above referenced case. I represent the Appellant, Hector Fragosa.

I need your assistance in clearing up a situation regarding the date that the Appellant's Brief is now due, as well as ensuring there are no outstanding procedural problems which could result in an administrative dismissal.

I filed a Motion for extension of time to file Appellant's Initial Brief on November 26, 2014, with proof of service and a check for \$25.00. On December 8, 2014, the Court sent the attached deficiency letter stating "The required filing fee has not been submitted. The correct filing fee is \$25."

I investigated the matter and determined that the check cleared our bank on December 4, 2014. I am enclosing a copy of the cleared check. It is check 5891. The handwritten number at the bottom corner (74337) was, I believe, added by the Court. Please note we filed a similar extension in another case on that same day. The check for that case is check 5892 which has the handwritten notation 74336. It also cleared on December 4, 2014.

My paralegal, Katherine Carter, contacted your office by telephone on December 10, 2014. She was told the check had been received and that the deficiency letter had been sent in error. She was told an Order with a decision on the extension would follow.

Ms. Carter followed up with your office on December 29, 2014 because we had not yet received the Order and were now on the last day of the initial extension request. Ms. Carter was told, because of the confusion over the filing fee, processing of the motion had been delayed, that it had been granted; and that the Order was being drafted but that the new date for the extension had not been set yet.

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I am inquiring again, this time in writing, as to the status of the Motion. We have not received anything and there is no Order showing on C-Track. I hope this letter clears everything up so far as the extension goes. I would normally have requested an additional extension, as I do still need additional time to complete the Appellant's brief. However, with a Motion for Extension of Time already pending, it made no sense to do so. This was why we called on December 29th (the first day after the Christmas Holiday). This situation does not seem to be covered by the Appellate Court Rules.

I am simply asking if there is anything else I need to file to ensure our Brief will be accepted by the Court. I will need until January 26, 2014 to complete the brief. This would be 30 days from the last requested due date. I understand no further extensions would be granted barring exceptional circumstances. If appropriate, I can file a Motion to File and Serve Brief Out of Time.

Thank you for your assistance in this matter. I look forward to hearing from you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Stephen B. Samuels', with a long horizontal flourish extending to the right.

Stephen B. Samuels
Attorney for Appellant

SBS/krc
Enclosures

cc w/encl.: * Michael W. Burkett, Esquire
Amy Bracy, SCWCC
Jeffrey C. Chandler, Esquire

SOUTH CAROLINA BANK AND TRUST
COLUMBIA, SC

5891

ST 25/00

SAMUELS LAW FIRM LLC
OPERATING ACCOUNT
1320 RICHLAND ST
COLUMBIA, SC 29201
803-779-4000

11/28/2014

PAY TO THE ORDER OF Clerk of Court

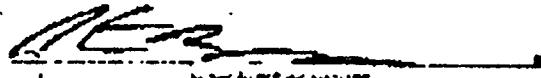
\$ 25.00

Twenty-Five and 00/100

DOLLARS

Clerk of Court
South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

MEMO



AUTHORIZED SIGNATURE

⑈005891⑈ ⑆053200983⑆ 200620024758⑈

74337

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SC Court of Appeals

12/03/2014 - 5891 - \$25.00



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK
V. CLAIRE ALLEN
DEPUTY CLERK

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December 08, 2014

Mr. Stephen Benjamin Samuels, Esquire
1320 Richland Street
Columbia SC 29201

Re: Hector Fragosa v. Kade Construction
Appellate Case No. 2014-002354

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Dear Counsel:

Upon reviewing your motion for extension of time to file appellant's initial brief and designation of matter, the following deficiency or deficiencies have been noted under the South Carolina Appellate Court Rules (SCACR), and any deficiency must be corrected within ten (10) days of the date of this letter:

- The required filing fee has not been submitted. The correct filing fee is \$25.

Very truly yours,

V. Claire Allen, Deputy

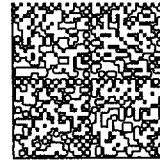
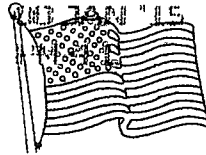
CLERK


cc: Jeffrey Christopher Chandler, Esquire



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