

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

JAN 20 2015

APPEAL FROM AIKEN COUNTY
Doyet A. Early, III, Circuit Court Judge

SC Court of Appeals

74801

Case No. 2009-CP-02-1529

William R. Ferrara, Appellant,

v.

Michael E. Hunt, Sheriff of Aiken County and
Charles Cain in his individual capacity as Deputy Sheriff, Defendants,

Of whom Michael E. Hunt is the Respondent.

AND

William R. Ferrara, Appellant,

v.

Michael E. Hunt, Sheriff of Aiken County and
Charles Cain in his individual capacity as Deputy Sheriff, Defendants,

Of whom Charles Cain is the Respondent.

**MOTION TO ACCEPT FILING OF
FINAL BRIEF OUT OF TIME**

The Respondent Michael E. Hunt respectfully moves this Court to accept the Final Brief of Respondent Michael E. Hunt out of time.

The Respondent Hunt's motion is based on the following grounds:

1. By Order filed August 29, 2014, the Court of Appeals ordered the Appellant to "file a reply to the return to the motion to remove pages from the record on appeal" and to "address the conflicting page numbers in a reply." In that same Order, the Court stated: "The parties' final briefs shall be served and filed within twenty days after the correction of the record on appeal."

2. On October 15, 2014, the Court then issued an Order directing that certain specific pages be physically removed from the Record on Appeal. That Order did not include any deadline for the filing of final briefs.

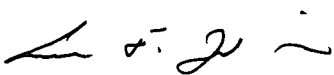
3. By letter dated October 20, 2014, Appellant's counsel advised that the corrections had been made to Record on Appeal, which should have triggered the previously stated twenty day deadline for filing final briefs. However, counsel for the Respondent Hunt inadvertently failed to diary that deadline. In addition, during that time period, the undersigned counsel's paralegal was out on maternity leave.

4. This oversight was called to counsel's attention on January 16, 2015. The Respondent Hunt is now submitting for filing fifteen copies of his Final Brief and requests that they be accepted out of time. The failure to file within twenty days of the Appellant's correction of the Record on Appeal was inadvertent. It is

respectfully submitted that good cause has been shown, and no party will be prejudiced by allowing the filing of the Final Brief out of time.

WHEREFORE, the Respondent Hunt respectfully requests that the Final Brief of Respondent Michael E. Hunt be accepted for filing out of time.

DAVIDSON & LINDEMANN, P.A.

BY: 

ANDREW F. LINDEMANN
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(803) 806-8222

Counsel for Respondent Michael E. Hunt

Columbia, South Carolina

January 20, 2015

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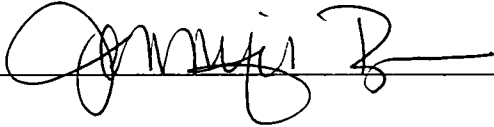
Of whom Michael E. Hunt is the Respondent.

CERTIFICATE OF SERVICE

The undersigned employee of Davidson & Lindemann, P.A., counsel for Respondent Michael E. Hunt, does hereby certify that service of the **Motion to Accept Filing of Final Brief Out of Time** in the above-captioned matter was made upon all counsel of record by placing copies in the United States Mail, first class postage prepaid, at the below listed addresses clearly indicated on said envelopes this the 20th day of January 2015:

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†Certified Mediator

January 20, 2015

Of Counsel
Kenneth P. Woodington

Writer's Email: alindemann@dml-law.com

Hand Delivered

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

RE: William R. Ferrara v. Michael E. Hunt, Sheriff of Aiken County and Charles Cain in his individual capacity as Deputy Sheriff
Appellate Tracing Number: 2013-000826
Civil Action Number: 2009-CP-02-1529
Claim Numbers: 1-0801692-001 & 1-0801693-001
Our File Number: 333.8194

Dear Ms. Kitchings:

Please find enclosed for filing the original and seven copies of the **Motion to Accept Filing of Final Brief Out of Time** in the above referenced matter. Please file the original and return a clocked-in copy to me by way of my courier. I have also enclosed my firm's \$25.00 check for the filing fee.

By copy of this letter, I am serving copies on all counsel of record.

Thank you for your assistance in this matter.

Sincerely,

DAVIDSON & LINDEMANN, P.A.



Andrew F. Lindemann

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JAN 20 2015

SC Court of Appeals

AFL/jmb
Enclosures

The Honorable Jenny Abbott Kitchings
January 20, 2015
Page Two

cc: (w/ Enclosure)

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