

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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72579

APPEAL FROM GREENVILLE COUNTY  
Court of Common Pleas

Edward W. Miller, Circuit Court Judge

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Appellate Case No. 2013-002435  
Trial Court Case No. 2011CP2307943

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John Deere Financial, f.s.b. FPC Financial, Plaintiff,

v.

Jerry A. Bruce, Defendant and Third-Party Plaintiff.....Respondent,

v.

Flint Equipment Co., Third-Party Defendant.....Appellant.

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APPELLANT'S MOTION FOR EXTENSION TO FILE  
INITIAL BRIEF AND  
DESIGNATION OF MATTER TO BE INCLUDED IN RECORD ON APPEAL

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**RECEIVED**

JUN 20 2014

**SC Court of Appeals**

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TO THE COURT OF APPEALS:

Pursuant to South Carolina Appellate Court Rule 263, the Appellant, Flint Equipment Co., Third-Party Defendant, files this First Motion to Extend Time to File Appellant's Initial Brief and Designation of Matter to be Included in the Record on Appeal.

Pursuant to order of the Court filed on May 21, 2014, the Appellant's initial brief and designation of matter was to have been filed and served by June 22, 2014. Counsel for Appellant hereby moves for a thirty (30) day extension of time to file based upon the following grounds:

1. The Transcript of Record provided by the Court Reporter is missing eight (8) pages (from P.9 through P.16 inclusive). The omitted pages include the arguments made by counsel, the ruling by the court and testimony presented by respondent. Counsel for the Appellant has notified the Court Reporter of the omission and is informed and believes that the Court Reporter is in the process of recreating and providing the omitted pages so as to rectify the omission.

2. At the request of the Appellant, Counsel has submitted a settlement offer to Counsel for Respondent, Jerry A. Bruce, Defendant and Third-Party Plaintiff. Counsel for the Appellants has been advised that Counsel for Respondent is out of the country on vacation until July 8, 2014 and therefore is unable to forward the offer to Respondent.

This Motion for Extension to File is not sought for delay but so that justice may be done. Due to the fact that Respondent's Counsel is out of the country, the undersigned was unable to confer with him.

**PRAYER FOR RELIEF**

For the reasons set forth above, Appellant respectfully requests that the Court grant this First Motion to Extend Time to File Appellant's Initial Brief and Designation of Matter.

June 20, 2014  
Columbia, SC



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William Joseph Moore, Esq.  
Gertz & Moore, LLP  
1416 Laurel Street  
Columbia, SC 29202  
(803) 252-1524

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Trial Court Case No. 2011CP2307943

John Deere Financial, f.s.b. FPC Financial, Plaintiff,

v.

Jerry A. Bruce, Defendant/Third-Party Plaintiff.....Respondent,

v.

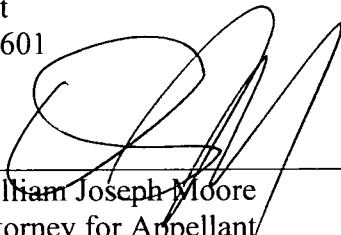
Flint Equipment Co., Third-Party Defendant.....Appellant.

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CERTIFICATE OF SERVICE BY MAIL

I hereby certify that a copy of the within Appellant's Motion for Extension of Time to File Initial Briefs and Designation of Matter to be Included in the Record on Appeal was duly served upon the following on June 20, 2014 with first class postage duly affixed and a return address clearly indicated on the envelope by depositing said papers in the United States Mail, Columbia, South Carolina, addressed as follows:

O. W. Bannister, Esq.  
401 Pettigru Street  
Greenville, SC 29601

  
\_\_\_\_\_  
William Joseph Moore  
Attorney for Appellant

June 20, 2014  
Columbia

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JUN 20 2014

**SC Court of Appeals**

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(S.C., N.Y. & Ga)  
W. Joseph Moore, Jr.

Phong T. Nguyen

Telephone (803) 252-1524  
Telecopier (803) 799-6946

June 20, 2014

Alice S. Moore  
1946 - 2012

HAND DELIVERED

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
1015 Sumter Street  
Columbia, SC 29211

RE: Motion to Reinstate Appeal  
Appeal From Greenville County Court of Common Pleas  
Jerry A. Bruce, Respondent vs. Flint Equipment Co., Appellant  
Appellate Case No.: 2013-002435

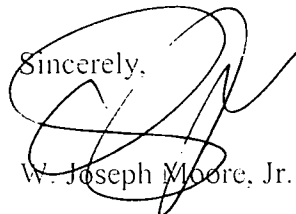
Dear Madam Clerk:

Enclosed please find the original and six (6) copies of the Appellant's Motion For Extension of Time to File Initial Brief and Designation of Matter to Be Included In the Record on Appeal and Certificate of Service together with my firm's check for the filing fee in the amount of Twenty Five and No/100 (\$25.00) dollars.

By copy of this letter I am serving the enclosed motion on counsel for the Respondent as noted on the Certificate of Service.

Thanking you in advance for your considerate attention to this matter, I  
am

Sincerely,



W. Joseph Moore, Jr.

cc: O. W. Bannister, Esquire