

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

74996

APPEAL FROM LEXINGTON COUNTY
Court of Common Pleas

William P. Keesley, Circuit Court Judge
James W. Johnson, Jr., Circuit Court Judge

RECEIVED

FEB 09 2015

SC Court of Appeals

Case No. 2005-CP-32-2712
Case No. 2008-CP-32-4192

McGuinn Construction Management, Inc., Appellant,

v.

Saul Espino and Mara Espino, Respondents.

And

Saul Espino and Mara Espino, Respondents,

v.

Gates Commons, LLC, S. Wade McGuinn,
Individually, and Town of Lexington, Defendants,

Of whom

Town of Lexington, Appellant.

**MOTION FOR THE COURT TO ACCEPT THE
RESPONDENTS' INITIAL BRIEF AND DESIGNATION OF
MATTER TO BE INCLUDED IN THE RECORD ON APPEAL OUT OF TIME**

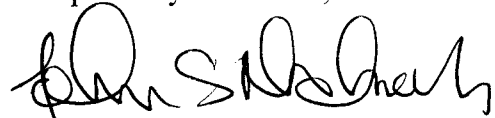
Pursuant to Rules 240 and 263(b), SCACR, Respondents hereby moves this Court
to accept for filing out of time the initial brief of respondents and designation of matter to

be included in the record on appeal. The initial brief of respondent and designation of matter to be included in the record on appeal were due to be filed on February 4, 2015. Counsel for Respondents has been working diligently to prepare the initial brief and designation of matter to be included in the record in a timely manner. However, counsel has been suffering a long illness with the flu and subsequent related illness requiring medical treatment; both the illness and treatment are concluded, but these impacted counsel's ability to timely complete this brief.

The initial brief of respondents and designation of matter to be included in the record on appeal are conditionally filed with this motion and served on all other parties.

February 9, 2015

Respectfully Submitted, ~



John S. Nichols, SC Bar # 4210

Blake A. Hewitt, SC Bar # 73674

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Attorneys for Respondents

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Of whom

Town of Lexington is the, Appellant.

PROOF OF SERVICE

The undersigned hereby certifies that on the date indicated below she served counsel for the Appellants with a copy of the *Motion for the Court to Accept the Initial Brief of Respondents and Designation of Matter to be Included in the Record on Appeal Out of Time* and the conditionally filed *Initial Brief of Respondents and Designation of*

Matter to be Included in the Record on Appeal by mailing copies of the same by United States Mail with first class postage prepaid to the following addresses:

S. Jahue Moore
John C. Bradley, Jr.
Moore Taylor Law Firm, PA
P.O. Box 5709
West Columbia, SC 29171

Andrew F. Lindemann
Davidson & Lindemann, PA
P.O. Box 8568
Columbia, SC 29202



Erin Bridges
BLUESTEIN, NICHOLS, THOMPSON
& DELGADO, LLC

February 9, 2014
Columbia, South Carolina



BLUESTEIN · NICHOLS · THOMPSON · DELGADO LLC
ATTORNEYS AT LAW

February 9, 2015

VIA HAND DELIVERY

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

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FEB 09 2015

SC Court of Appeals

RE: McGuinn Construction v. Saul Espino
Case Tracking No.: 2014-001519

Dear Ms. Kitchings:

Please find enclosed for filing the original and seven (7) copies of a Motion for the Court to Accept the Initial Brief of Respondents and Designation of Matter to be Included in the Record on Appeal Out of Time. Also, please find enclosed the conditionally filed original and one (1) copy of the Initial Brief of Respondents and Designation of Matter to be Included in the Record on Appeal. I have also enclosed a proof of service upon counsel for the Appellants and a check in the amount of \$25.00 for filing this motion. Please return the additional filed copies to me via our courier.

Thank you for your attention to this matter. If you have any questions or need any additional information, please do not hesitate to contact me.

Sincerely,

Erin Bridges
Paralegal to John S. Nichols
BLUESTEIN, NICHOLS, THOMPSON &
DELGADO, LLC

/emb

Enclosures

cc: Andrew A. Aun, Esquire
S. Jahue Moore, Esquire
Andrew F. Lindemann, Esquire