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SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals  
APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

The Honorable DeAndrea Gist Benjamin, Circuit Court Judge

EDWIN M. SMITH, JR.....APPELLANT,

vs.

DAVID FEDOR.....RESPONDENT.

RESPONDENT'S MOTION  
RULE 210(c)

Respondent seeks to delete and otherwise limit the contents of Appellant's Appeal, to exclude matters that were not considered by the Court below.

Specifically, Respondent seeks to include, and argue from the "Confidential Settlement Agreement dated September 17, 2012", whereas the lower court's Order plainly recites:

"As a result, the Court will not consider the terms of the Confidential Settlement Agreement executed by the parties"

and the hearing transcript further confirms:

"Now, if the Plaintiff chooses to back up and start over and chase the alleged balance of \$15,000.00, more power to him. But at the moment this Confession is of record and it plainly has been paid."

and further, from the lower court's Order...

"Because the proported agreement the parties reached following mediation was neither neither entered into the

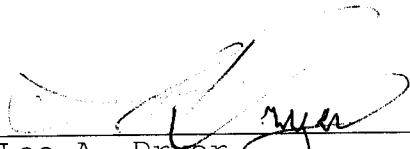
Court's record nor acknowledged in open court and placed on the record, Rule 43(k), SCRCP, plainly provides the agreement as unenforceable."

and finally:

"As a result, the Court will not consider the terms of the Confidential Settlement Agreement executed by the parties." (quoting from the 2nd paragraph, the 3rd page of the Order of the lower court).

And upon the preceding, it is plain and clear that the settlement agreement was not before the lower court and thus it should be deleted as number 1 on Appellant's Designation of Matter and similarly, all references and argument therefrom should be similarly deleted from Appellant's Brief.

Respectfully submitted,



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Leo A. Dryer  
Attorney for Respondent

February 9, 2015  
Columbia, South Carolina

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IN THE STATE OF SOUTH CAROLINA  
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APPEAL FROM RICHLAND COUNTY  
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The Honorable DeAndrea Gist Benjamin, Circuit Court Judge

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Case No. 2001-CP-40-4203  
Appellate Case No. 2014-001826

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EDWIN M. SMITH, JR.....APPELLANT,

vs.

DAVID A. FEDOR, .....RESPONDENT.

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**RESPONDENT'S MOTION FOR EXTENSION OF TIME**

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Pursuant to South Carolina Appellate Court Rule 263(b), Respondent David A. Fedor, moves for a time extension of thirty (30) days from the existing deadline to file his Initial Brief (or Motion) of Respondent in this matter. Appellant filed his Notice of Appeal on August 21, 2014, and thereafter filed Appellant's initial Brief on November 21, 2014.

Also Respondent's counsel requests this extension due to health issues; specifically, Counsel for Respondent has been hospitalized effective December 27, 2014:

1. Flu
2. Heart arrhythmia
3. Staff infection, Pneumonia

and presently in rehab for further recovery.


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**SC Court of Appeals**

For the reasons set forth herein, Respondent requests a thirty  
(30) day extension to serve and file his Initial Brief.

Respectfully submitted,  
DRYER LAW OFFICES

By:   
Leo A. Dryer (S.C. Bar #01759)  
Dryer Law Offices  
P.O. Box 11567  
Columbia, SC 29211  
Telephone: (803) 926-1235  
Fax: (803) 926-1276

ATTORNEY FOR RESPONDENT

January 14, 2015  
Columbia, South Carolina

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SC Court of Appeals

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Case No. 2001-CP-40-4203  
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EDWIN M. SMITH, JR.....APPELLANT,

vs.

DAVID A. FEDOR, .....RESPONDENT.

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**CERTIFICATE OF SERVICE**

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This is to certify that I have this day served counsel for the Appellant in the foregoing matter with a copy of the foregoing **RESPONDENT'S MOTION FOR EXTENSION OF TIME** by fax and also depositing same in the United States Mail with adequate postage affixed thereon to ensure delivery, addressed as follows:

James R. Gilreath, Esq.  
P.O. Box 2147  
Greenville, SC 29602

  
Tonya Hutto

Janaury 14, 2014  
Columbia, South Carolina

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**SC Court of Appeals**

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**SC Court of Appeals**

The Honorable DeAndrea Gist Benjamin, Circuit Court Judge

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EDWIN M. SMITH, JR.....APPELLANT,

vs.

DAVID FEDOR.....RESPONDENT.

\_\_\_\_\_  
CERTIFICATE OF SERVICE  
\_\_\_\_\_

This is to certify that I have this day served counsel for the Appellant in the foregoing matter with a copy of the foregoing RESPONDENT'S MOTION 201(c) by fax and also by depositing same in the United States Mail with adequate postage affixed thereon to ensure delivery, addressed as follows:

James G. Gilreath, Esq.  
William M. Hogan, Esq.  
P.O. Box 2147  
Greenville, SC 29602

  
\_\_\_\_\_  
Melissa Platt

February 9, 2015  
Columbia, South Carolina

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**SC Court of Appeals**

LAW OFFICE

**DRYER LOWE**

February 9, 2015

Honorable Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
1205 Pendleton Street  
Columbia, SC 29201

Robert J. Lowe, Jr.  
Member  
Leo A. Dryer, Jr.  
Of Counsel

RE: Edwin M. Smith, Jr.  
VS: David A. Fedor  
South Carolina Court of Appeals Case No. 2014-001826

Our File No: 13030504

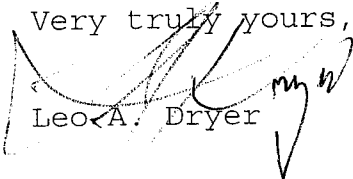
Dear Ms. Kitchings:

Enclosed please find the original and seven (7) copies of the Respondent's Motion Rule 210(c) and a Certificate of Service regarding the above referenced case. Also enclosed is a check in the amount of \$25.00 for the filing fee.

Please file the originals and return a filed clocked copy to me in the enclosed self-addressed, stamped envelope.

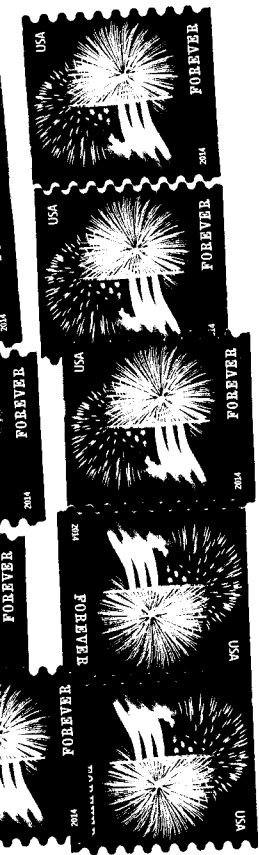
Thank you for your assistance in this matter. If you have any questions or need anything further, please let me know.

Very truly yours,

  
Leo A. Dryer

LAD/mp  
Enclosures

~~cc: James R. Gilreath, Esq.  
William M. Hogan, Esq.  
P.O. Box 2147  
Greenville, SC 29602~~



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**SC Court of Appeals**

**FROM** Dryer/kowe

P.O. Box 11567

Columbia, SC 29211

**TO**

Hon. Jenny Abbott Kitchens

Clerk of Court

South Carolina Court of Appeals

1205 Pendleton Street

Columbia, SC 29201

