

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM YORK COUNTY  
Court of Common Pleas

JOHN C. HAYES, III, Circuit Court Judge

Case No. 2013-CP-46-02643

City of Rock Hill,

Appellant,

v.

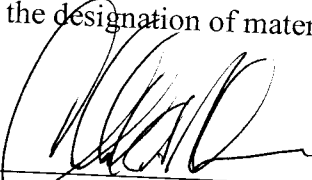
James Delaney Allen, III,

Respondent.

MOTION TO PERMIT FILING OUT OF TIME

The City of Rock Hill seeks permission for filing out of time the motion for an extension to file the initial brief of the appellant and the designation of material in this case with the South Carolina Court of Appeals. The initial brief of appellant and designation of material was due to be filed on January 14, 2015. Counsel for the City of Rock Hill schedule for the month of December and January has been extremely busy. December 8-12, 2014 Counsel was involved with a week of jury trials. December 17-19, 2014 various court appearances. On December 22, 2014 Counsel had additional court appearances. From December 25, 2014 through January 2, 2015 Counsel and his son were on vacation in Colorado with family. January 5-9, 2015 was a week of jury trials. January 12-16, 2015 Counsel was on annual training with the South Carolina Army National Guard in Charlottesville, VA. On January 16, 2015 Counsel was in a motor vehicle accident on his way home from the annual training. On January 20-21, 2015 there were court appearances and interviews with prospective paralegals for an open position with the Solicitor's Office. On February 2-5, 2015 Counsel conducted several jury trials. From February 6-8, 2015 was training with the South Carolina Army National Guard. For the foregoing reasons, the Appellant requests permission for the late filing of the motion for an extension to file the initial brief of the appellant and the designation of material.

February 10, 2015

  
Christopher E. A. Barton  
201 E. Main St., 3<sup>rd</sup> Floor  
Rock Hill, South Carolina 29730  
(803) 329-5692  
Attorney for Appellant

**RECEIVED**

FEB 17 2015

**SC Court of Appeals**

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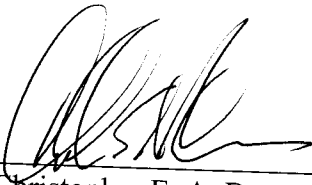
James Delaney Allen, III,

Respondent.

MOTION FOR AN EXTENSION OF TIME TO FILE INITIAL BRIEF  
AND DESIGNATION OF MATTER

The City of Rock Hill seeks an extension to file the initial brief of the appellant and the designation of matter in this case with the South Carolina Court of Appeals. The initial brief of appellant and designation of material was due to be filed on January 14, 2015. Counsel for the City of Rock Hill schedule for the month of December and January has been extremely busy. December 8-12, 2014 Counsel was involved with a week of jury trials. December 17-19, 2014 Counsel had various court appearances. On December 22, 2014 Counsel had additional court appearances. From December 25, 2014 through January 2, 2015 Counsel and his son were on vacation in Colorado with family. January 5-9, 2015 Counsel was involved with a week of jury trials. January 12-16, 2015 Counsel was on annual training with the South Carolina Army National Guard in Charlottesville, VA. On January 16, 2015 Counsel was in a motor vehicle accident on his way home from the annual training. On January 20-21, 2015 there were court appearances and interviews with prospective paralegals for an open position with the Solicitor's Office. On February 2-5, 2015 Counsel conducted several jury trials. From February 6-8, 2015 Counsel had training with the South Carolina Army National Guard. For the foregoing reasons, the Appellant requests permission for an extension to file the initial brief of the appellant and the designation of matter.

February 10, 2015

  
\_\_\_\_\_  
Christopher E. A. Barton  
201 E. Main St., 3<sup>rd</sup> Floor  
Rock Hill, South Carolina 29730  
(803) 329-5692  
Attorney for Appellant

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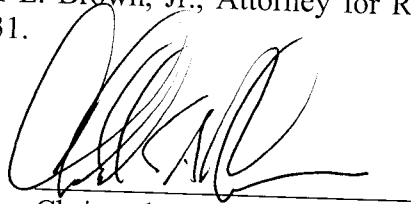
James Delaney Allen, III,

Respondent.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies pursuant to Rule 240 (c) of the South Carolina Appellate Court Rules that a copy of the Motion to Permit Filing Out of Time the Motion for an Extension to Time for the initial brief of the appellant and the designation of material and the Motion for an Extension of Time for the initial brief of the appellant and the designation of material has been served upon opposing counsel by mailing a copy via regular U.S. Mail to him on the 10<sup>th</sup> day of February, 2015, to Michael L. Brown, Jr., Attorney for Respondent, Post Office Box 1025, Rock Hill, South Carolina 29731.



Christopher E. A. Barton  
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(803) 329-5692  
Attorney for Appellant

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February 10, 2015

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

RE: City of Rock Hill, Appellant v. James Delaney Allen, III, Respondent  
Case No. 2013-CP-46-02643

Dear Ms. Kitchings:

Enclosed for filing is the original and six copies each of our Motion for an Extension of Time to File Initial Brief and Designation of Matter and Motion to Permit Filing out of Time in regards to the above-referenced case.

Truly yours,

Christopher E. A. Barton  
201 E. Main Street, 3<sup>rd</sup> Floor  
Rock Hill, South Carolina 29730  
(803) 329-5692  
Attorney for Appellant

cc: Michael L. Brown, Jr., Esquire  
Post Office Box 1025  
Rock Hill, South Carolina 29732  
Attorney for Respondent

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SC Court of Appeals

CITY OF ROCK HILL SOLICITOR'S OFFICE

201 E. MAIN STREET, 3RD FLOOR, ROCK HILL, SOUTH CAROLINA 29730  
OFFICE 803/329-5619 FACSIMILE 803/326-3865





CITY OF ROCK HILL SOLICITOR'S OFFICE  
201 E. MAIN STREET, 3RD FLOOR  
ROCK HILL, SC 29730



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## SC Court of Appeals

The Honorable Jenny Abbott Kitchings  
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Columbia, South Carolina 29211



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