

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Stephanie P. McDonald, Circuit Court Judge

Case No. 2011-CP-07-7166

RECEIVED

FEB 11 2015

SC Court of Appeals

15010

OTHA DELANEY

Appellant,

-vs-

FIRST FINANCIAL OF CHARLESTON, INC.

Respondent.

MOTION TO SERVE and FILE
APPELANT'S FINAL BRIEF OUT OF TIME

Philip Fairbanks
1214 King Street
Beaufort, SC 29902
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chris@lowcountrybankruptcy.com

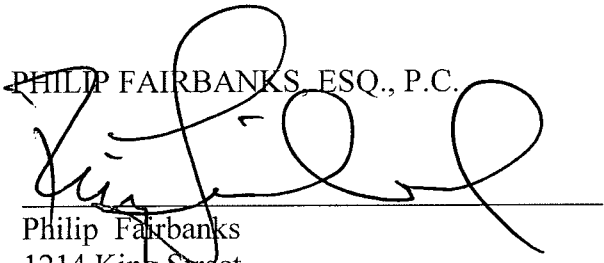
**MOTION FOR ENLARGEMENT OF TIME TO
SERVE AND FILE FINAL APPELLANT'S BRIEF**

Appellant, Otha Delaney, by and through his undersigned attorneys, respectfully moves this Court for leave to serve and file his Final Brief of Appellant out of time, and in support thereof would show as follows:

1. The Final Brief of Appellant was due on January 12, 2015;
2. Good cause exists for granting the instant Motion providing for an extension through Monday, February 9, 2015, for Appellant to serve and file his Final Brief of Appellant.
3. In particular, Appellant's counsel in this appeal are also co-counsel in a putative multi-state class action case pending before the federal district court for the Southern District of New York, Case No. 13-cv-1730—LAK—RLE, in which briefing has been required concerning complicated Article III and class standing issues, and in a related motion to reopen a closed Chapter 7 bankruptcy proceeding in the U.S. Bankruptcy Court for the District of South Carolina, Case No. 12-00317dd.
4. Moreover, on or about January 8, 2014, one of Appellant's counsel, Frederick Corley, underwent quadruple cardiac bypass surgery at the Medical University Of South Carolina in Charleston. Mr. Corley has been rehabilitating since his surgery and has been required to forgo his normal workload.
5. Counsel for Appellee have consented to the requested relief.

WHEREFORE, Appellant, Otha Delaney, respectfully moves this Court for entry of an Order granting an extension of time to serve and file his Final Brief of Appellant up to and including February 9, 2015.

PHILIP FAIRBANKS, ESQ., P.C.



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on February 9, 2015, I filed the foregoing document with the Clerk of the Court, as follows:

**MOTION FOR ENLARGEMENT OF TIME TO
SERVE AND FILE FINAL APPELLANT'S BRIEF**

and

FINAL APPELLANT'S BRIEF

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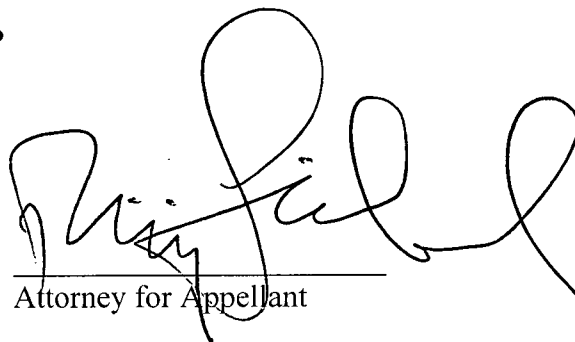
SC Court of Appeals

And that the foregoing documents are being served this day on:

FIRST FINANCIAL OF CHARLESTON

by placement of true copies thereof in the United States mail, first class postage pre-paid, and addressed a follows:

Stephen L. Brown, Esquire
Perry M. Buckner, IV, Esquire
YOUNG, RIVERS, CLEMENT, LLP
P.O. Box 993
Charleston, SC 29402



Attorney for Appellant

Law Office
of
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February 9, 2015

VIA FAX 803-734-1839 and REGULAR MAIL

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SC Court of Appeals

Jenny Abbott Kitchings, Clerk of Court
S.C. Court of Appeals
1015 Sumter Street
P.O. Box 11629
Columbia, SC 29211

Re: **Otha Delaney -v- First Financial of Charleston, Inc .**
Case No. 2011-CP-10-7166
Appeal from Charleston County

Dear Ms. Kitchings:

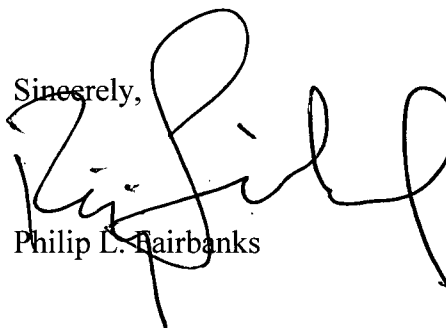
Enclosed please find Appellant's Motion to Serve and File Final Brief out of Time, along with a Certificate of Service and \$25 filing fee, which we forward for filing with the Court.

Please clock-in and file the enclosed copy, and return in the self-addressed, stamped envelope provided.

Thank you for your cooperation and assistance in this matter.

With kind regards, I am

Sincerely,



Philip L. Fairbanks

PLF:bw

Enclosures

cc: Stephen L. Brown, Esquire
Perry M. Buckner, IV, Esquire
G. Edward Hawkins, III, Esquire

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SC Court of Appeals

Philip Fairbanks, P.C.
1214 King Street
Beaufort, SC 29902



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