

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM THE  
COURT OF COMMON PLEAS  
The Honorable R. Knox McMahon

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175071

**Appellate Case No. 2014-001258**

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Ricky Kneece,

Respondent,

v.

Kneece Farms and Legion in Liquidation  
And the South Carolina Property and Casualty  
Insurance Guaranty Association,

Appellants.

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**MOTION TO FILE AMENDED RECORD ON APPEAL OUT OF TIME**

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Attorney for Employer/Carrier

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FEB 17 2015

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM LEXINGTON COUNTY  
Court of Common Pleas

R. Knox McMahon, Circuit Court Judge

Case No.: 2012-CP-32-02093  
2012-CP-32-02111

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FEB 17 2015

**SC Court of Appeals**

Ricky Kneece,.....Respondent.

v.

Kneece Farms and Legion Insurance Co. in liquidation through the S.C. Property and  
Casualty Insurance Guaranty  
Association.....Appellants.

**APPELLANTS' MOTION TO SERVE AND  
FILE AN AMENDED RECORD ON APPEAL OUT OF TIME  
AND MEMORANDUM IN SUPPORT THEREOF**

Pursuant to Rule 240 of the South Carolina Appellate Court Rules, Appellants Kneece Farms and Legion Insurance Company In Liquidation c/o South Carolina Property & Casualty Insurance Guaranty Association (hereafter referred to as "SCPCIGA") hereby moves for leave to serve and file an Amended Record On Appeal out of time based on grounds set forth in the Memorandum below:

**MEMORANDUM IN SUPPORT OF MOTION FOR LEAVE TO SERVE AND FILE  
THE AMENDED RECORD ON APPEAL OUT OF TIME**

- 1) On January 28, 2015 these Appellants timely served opposing counsel with the original Record on Appeal in this matter.
- 2) Pursuant to the applicable S.C. Rules of Appellate Court, this would have made the

time for service of the final briefs of the parties, and the filing of the Record on Appeal, due on Tuesday February 17, 2015. (Note: Monday February 16, 2015 being a mailing holiday for President's Day, See Gen. the Federal Uniform Holiday Act of 1971 (Pub.L. 90-363)).

3) Through communications and correspondences with opposing counsel for the Respondent, these Appellants first became aware after 4:00 PM EST, on Friday February 13, 2015, that certain pages of the Designation of Matter requested by the Claimant/Respondent to be placed in the Record on Appeal in his Designation of Matter, had been inadvertently omitted from the original Record on Appeal, which was perfected on January 28, 2015.

4) The Record on Appeal is a voluminous document, which is in excess of several hundreds of pages of documents and records.

5) By separate letter and request, these Appellants have moved for an additional 25 days in which to file the final brief of the Appellants, in order to include the proper pagination from the Amended Record on Appeal. (See Exhibit A).

6) These Appellants represent that they have discussed the matter with opposing Counsel, Scott A. Elliott, for the Respondent, and he has no objection to this extension, and the filing of the Amended Record out of time.

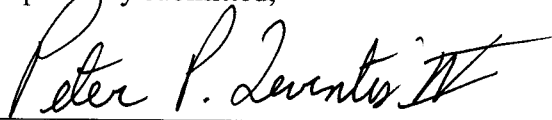
7) Pursuant to Rule 263(b) of the South Carolina Appellate Court Rules expressly allows for extension of deadlines such as the filing of an Amended Record on Appeal by Order of a Judge or the Judges of this Court.

8) a) Accordingly, SCPCIGA hereby moves for leave to serve an Amended Record On Appeal out of time, on or before Monday February 23, 2015, so as to include all of the appropriately designated matter in the record requested by the parties, and permit proper repagination of the Record itself, and:

b) For leave to permit filing of the Amended Record on Appeal to the Court of Appeals, on or before Monday March 16, 2015, in order to permit the parties time to include appropriate pagination for their Final Briefs to the Court.

WHEREFORE, Appellant South Carolina Property & Casualty Insurance Guaranty Association, pursuant to Rules 240 and 263(b) of the South Carolina Appellate Court Rules, requests that this Court grant it leave to serve the Amended Record on Appeal, and subsequently file the Amended Record on Appeal as outlined hereinabove.

Respectfully submitted,



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Attorneys for Respondent

Columbia, South Carolina  
February 17, 2015

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Courtney R. Pawley  
Charles A. Kinney Jr.

February 17, 2015

**VIA HAND DELIVERY**

The Honorable Jenny Kitchings  
Clerk, South Carolina Court of Appeals  
1015 Sumter Street, Suite 200  
Post Office Box 11629  
Columbia, SC 29201

**RECEIVED**  
FEB 17 2015  
SC Court of Appeals

**Re: *Ricky Kneece v. Kneece Farms***  
*WCC File No: 5920867*      *Claim No.: L16755*  
*Our File No.: 5400-0032*      *Ct. of Appeals Tracking No.:2014-001258*

Dear Ms. Kitchings:

The Record on Appeal in this matter needed to be amended to accurately reflect the Designations of Matter by the parties. By separate correspondence, we are filing a motion to serve the Amended Record on Appeal out of time. This letter is to request a 25 day extension of the deadline to file the Final Brief of the Appellants in the above-referenced matter. The current due date for this filing is on February 17, 2015. This request for a 25 day extension would make the new filing date on Monday March 16, 2015.

This is the first request for an extension by the Appellants for this filing. I have also enclosed a check in the amount of \$25.00 for the filing fee. Please return the additional clocked copy of this correspondence with my courier.

By copy of this letter to opposing counsel, I am notifying him of this request as well.

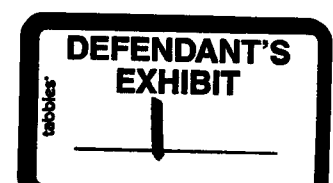
Sincerely,

*Peter P. Leventis*  
Peter P. Leventis, IV

PPL/hrv

Enclosures

cc: Scott A. Elliott, Esquire  
Randy Mason (w/encl)



THE STATE OF SOUTH CAROLINA  
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APPEAL FROM LEXINGTON COUNTY  
Court of Common Pleas

**SC Court of Appeals**

R. Knox McMahon, Circuit Court Judge

Case No.: 2012-CP-32-02093  
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Ricky Kneece,.....Respondent.

v.

Kneece Farms and Legion Insurance Co. in liquidation through the S.C.  
Property and Casualty Insurance Guaranty  
Association.....Appellants.

**PROOF OF SERVICE**

I certify that I have served the **Motion to file Amended Record on Appeal out of Time** on the attorney of record for **Ricky Kneece** by depositing a copy of it in the United States Mail, postage prepaid, on **February 17, 2015**, addressed as follows:

Scott Elliott, Esquire  
Elliott & Elliott  
1508 Lady Street  
Columbia, SC 29201  
Attorney for the Respondent

February 17, 2015



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\*S.C. Certified Mediator  
+ Also licensed in N.C.

February 17, 2015

**VIA HAND DELIVERY**

The Honorable Jenny Kitchings  
Clerk, South Carolina Court of Appeals  
1015 Sumter Street, Suite 200  
Post Office Box 11629  
Columbia, SC 29201

**Re: *Ricky Kneece v. Kneece Farms***  
***WCC File No: 5920867 Claim No.: L16755***  
***Our File No.: 5400-0032 Ct. of Appeals Tracking No.:2014-001258***

Dear Ms. Kitchings:

Enclosed, please find the original and six (6) copy of a Motion to file an Amended Record on Appeal out of Time. I have also enclosed a check in the amount of \$25.00 for the filing fee. Please return the additional clocked copy of this correspondence with my courier.

By copy of this letter to opposing counsel, I am serving him with a copy of this Motion.

Sincerely,

  
Peter P. Leventis, IV

PPL/hrv

Enclosures

cc: Scott A. Elliott, Esquire (w/encl)  
Randy Mason (w/encl)

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