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THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM CHARLESTON COUNTY
COMMON PLEAS COURT
J. C. Nicholson, Jr., Circuit Court Judge

RECEIVED

MAR 02 2015

SC Court of Appeals

Case No. 2008-CP-10-3308
Appellate Case No.: 2012-208787

Stephen George Brock, Appellant,
v.
Town of Mount Pleasant, Respondent.


MOTION

Appellant, Stephen George Brock, by and through counsel
undersigned hereby moves the Court to recall the remittitur issued on
February 26, 2015.

A Petition for Certiorari was timely served on the Respondent and
filed in the Supreme Court in this case. By oversight a copy was not mailed
to the Court of Appeals to notify this Court that a Petition had been timely
filed and served. A remittitur was therefore entered by this Court and sent
to the lower court.

Appellant submits that the lack of service of a copy with this Court is not jurisdictional and, that the Petition for Certiorari and Appendix having been otherwise timely and properly served on the Respondent and filed in the Supreme Court allows this Court to recall the remittitur and the case to proceed in the Supreme Court on the Petition for Certiorari. Wherefore, the Appellant moves to have the Court recall the remittitur in this case.

Respectfully submitted,



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(864) 282-1292
(864) 271-6035 facsimile

Robert Clyde Childs III
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Counsel for Appellant

March 2, 2015.

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v.

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CERTIFICATE

I certify that on March 2, 2015, I served the Appellant's Motion to Recall the Remittitur on the Respondent and others by placing a copy of same in the United States Mail, first class postage prepaid, addressed to counsel of record and others as indicated below, and by facsimile as shown:

James J. Hinchey, Jr.
Jessica S. Jubick
HINCHEY, MURRAY & PAGLIARINI, LLC
#18 North Anglers Wharf
Charleston, SC 29401
via facsimile also to: (843) 971-8745

and to:

Jennie Abbott Kitchings, Clerk
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211
via facsimile also to: (803) 734-1839

Hon. Daniel Shearouse
Supreme Court of South Carolina
P.O. Box 11330
Columbia, SC 29211
via facsimile also to: (803) 734-1499

Julie J. Armstrong
100 Broad St Ste 106
Charleston, SC 29401-2210
via facsimile also to: (843) 958-5020

Robert Clyde Childs III
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Respectfully submitted,



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March 2, 2015.

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March 2, 2015

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Clerk of Court
South Carolina Court of Appeals
P.O. Box 11629
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via facsimile also to: (803) 734-1839

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SC Court of Appeals

Re: Stephen George Brock, Appellant v. Town of Mount Pleasant, Respondent
Case No.: 2008-CP-10-3308; Appellate Case No.: 2012-208787

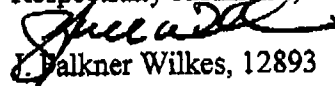
Dear Ms. Kitchings,

I represent Stephen George Brock in the above captioned case. A timely Petition for Certiorari was served on the Respondent and filed with the Clerk of the Supreme Court in this case. I have spoken with the Clerk's Office in the Supreme Court and confirmed that the Petition and Certificate of Service were received and are considered timely. It appears however, that I did not send a copy of the Petition and Certificate of Service to this Court. As it was unaware that a Petition for Writ had been filed, this Court issued a Remittitur. As the Petition for Writ and Certificate of Service was timely served on the Respondent and filed with the Supreme Court, the Supreme Court will have jurisdiction to hear the merits of the Petition. I am therefore enclosing a motion requesting the Remittitur be recalled.

I am enclosing a check for the filing fee for this motion. I have mailed and faxed an advance copy of the Motion to Recall the Remittitur to all parties involved as indicated below. I am also enclosing a copy of the Petition for Writ of Certiorari and the Certificate of Service for same.

I apologize for my oversight. If I need to provide anything further in regards to this motion please let me know.

Respectfully submitted,



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Counsel for Appellant

c.

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