

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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SC Court of Appeals

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

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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Counsel for Appellant

March 2, 2015.

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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
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Charleston, SC 29401
via facsimile also to: (843) 971-8745

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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
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Respectfully submitted,



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