

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM ANDERSON COUNTY
Alexander S. Macaulay, Circuit Court Judge

Case Number: 2013-CP-04-2409

RECEIVED
MAY 07 2015
SC Court of Appeals
75908

Hubert Bethune Respondent,

vs.

Waffle House, Inc. Appellant.

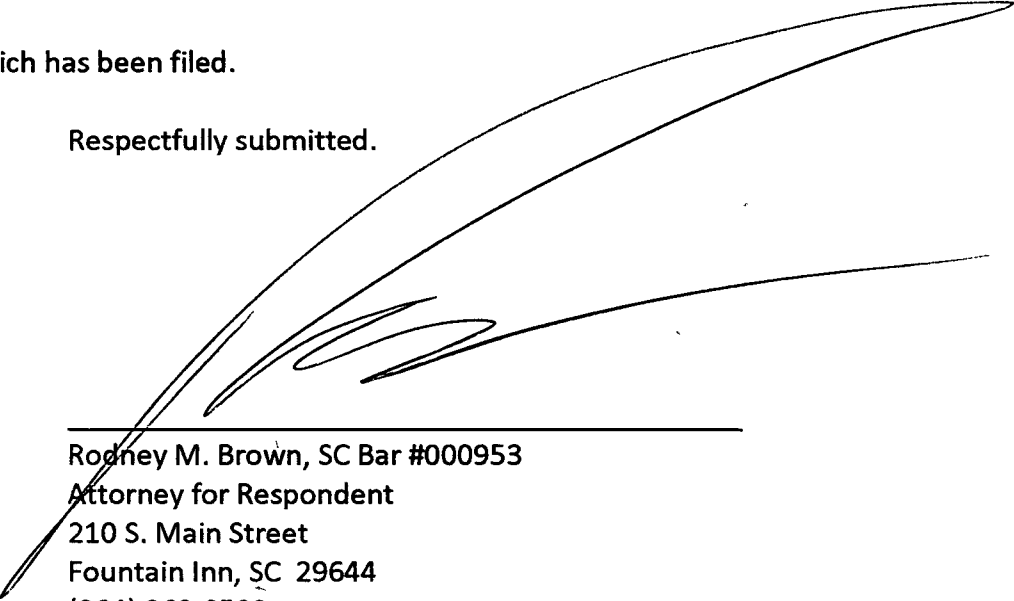
MOTION FOR EXTENSION

The Respondent comes before the Court and requests permission to file their brief outside the allotted required time. This Respondent has already filed his brief, but it appears he has filed outside the time allotted for the filing of his Final Brief.

The Appellant consents as is indicated in a letter dated April 13, 2015, a copy of which is attached hereto and previously sent to the Court.

Accordingly, the Respondent requests the additional time needed to have the Court accept the final brief which has been filed.

Respectfully submitted.



Rodney M. Brown, SC Bar #000953
Attorney for Respondent
210 S. Main Street
Fountain Inn, SC 29644
(864) 862-2528

TS Sprouse j@sccourts.org
lc

DAVIDSON & LINDEMANN, P.A.

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April 13, 2015

Writer's Email alindemann@dml-law.com

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

RE: Hubert Bethune v. Waffle House, Inc.
Appellate Case Number: 2014-002058
Civil Action Appeal Number: 2013-CP-04-2409
Our File Number: 326.8936

Dear Ms. Kitchings:

I am in receipt of a letter dated April 13, 2015, from Respondent's counsel requesting a twenty-day extension to file the Final Brief of Respondent. Please be advised that the Appellant has no objection to the requested extension.

However, I do take exception to Mr. Brown's claim that he was not served with the Record on Appeal until April 2, 2015. That is clearly not correct. The Record on Appeal was served by mail on March 11, 2015. My paralegal then followed up with Mr. Brown by email on March 25, 2015, to make certain he was satisfied with the Record on Appeal. By email dated March 26, 2015, Mr. Brown responded and stated an objection to the Record on Appeal which clearly indicates that he had received and reviewed the Record on Appeal by that date. (See attached emails).

Therefore, Mr. Brown is mistaken in his assertion that we did not timely serve the Record on Appeal. That is not the case.

If you have any questions, please advise.

The Honorable Jenny Abbott Kitchings
April 13, 2015
Page Two

Sincerely,

DAVIDSON & LINDEMANN, P.A.



Andrew F. Lindemann

AFL/
Enclosure

cc: Rodney M. Brown, Esquire (*w/ Enclosure*)

Andrew Lindemann

From: Rod Brown <rod@yabglaw.com>
Sent: Thursday, March 26, 2015 11:28 AM
To: Jennifer M Baker
Subject: Re: Bethune v Waffle House Record on Appeal

Jennifer,

Yes I do have an objection. The ROA contains a document that was not in your Designation. And the certificate of counsel would be incorrect.

Rod

Rodney M Brown
Attorney at Law
210 S Main St.
Fountain Inn, SC 29644
864-862-2528

On Wed, Mar 25, 2015 at 9:35 AM, Jennifer M. Baker <jbaker@dml-law.com> wrote:

Rod and Annette:

We have to file the 15 copies of the Record on Appeal Tuesday. Can you let me know if the Record is acceptable as served upon you? I would like to go ahead and get it sent to the printers by week's end.

Thank you,

Jennifer

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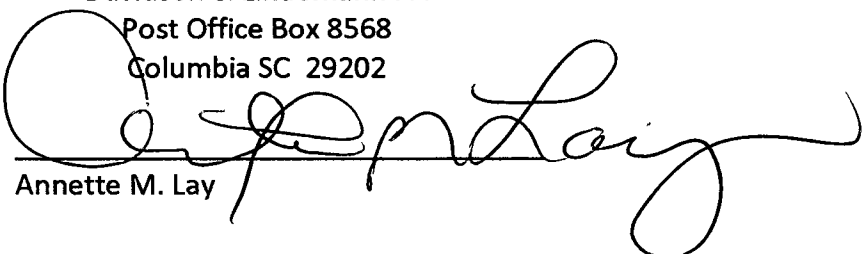
vs.

Waffle House, Inc. Appellant.

CERTIFICATE OF SERVICE

The undersigned employee of Rodney M. Brown, P.A., counsel for the Respondent, does hereby certify that service of the Motion for Extension was made upon Appellant's counsel by placing a copy in the United States Mail, first class postage prepaid, at the below listed address clearly indicated on said envelope this 4th day of May, 2015:

Andrew F Lindemann
Davidson & Lindemann PA
Post Office Box 8568
Columbia SC 29202


Annette M. Lay

RODNEY M. BROWN PA
ATTORNEY AT LAW

May 4, 2015

RECEIVED
MAY 07 2015
SC Court of Appeals

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

RE: Hubert Bethune vs. Waffle House
2014-002058

Dear Ms. Kitchings:

Per your request, enclosed herein please find my Motion for Extension along with the \$25.00 check. I am forwarding a copy of this to opposing counsel as indicated by the Certificate of Service enclosed.

If you should have any questions or need anything further, please do not hesitate to contact me.

Sincerely,



Rodney M. Brown

aml

Enclosures

cc: Andrew F. Lindemann, Esquire

RODNEY M. BROWN PA

ATTORNEY AT LAW

210 S Main Street • Fountain Inn, South Carolina 29644



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MAY 07 2015

SC Court of Appeals



JENNY ABBOTT KITCHINGS CLERK
SOUTH CAROLINA COURT OF APPEALS
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COLUMBIA SC 29211

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