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MAY 12 2015  
SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY  
CASE No. 2011- CP-10-1084  
Circuit Court Judge R. Markley Dennis, Jr.

ROOSEVELT SIMMONS..... Appellant

Vs.

MASE and COMPANY, LLC,  
J. AL CANNON, JR.,  
CHARLESTON COUNTY SHERIFF'S DEPARTMENT,  
CHARLESTON COUNTY REVENUE COLLECTIONS DEPARTMENT  
and  
HARRY LONG..... Respondents

**APPELLANT'S MOTION FOR  
LEAVE TO FILE  
OVER LENGTH REPLY BRIEF**

Appellant Roosevelt Simmons files this motion for leave to file an over length Reply Brief based upon the following. The appeal involves complex questions of the jurisdiction of the Magistrate's Court over the collection of a user fee, the Circuit Court's jurisdiction to vacate Magistrate Court judgments based upon equitable circumstances , the applicability of a Charleston County Ordinance to Appellant's property, whether County Respondents committed civil rights violations by unequal application of the Ordinance and enforcement of a judgment against Appellant , whether County respondents were negligent in the retention of an employee resulting in improper enforcement of a judgment against Appellant and

whether the judicial sale of the property to Respondent Mase and Company, LLC was for a grossly inadequate price and should be vacated.

Appellant's Initial Brief was 59 pages and a motion for leave to file an over length Brief was filed with the Initial Brief and is pending. County Respondents filed an Initial Brief which was over length totaling 55 pages mainly addressing five of the Counts that were dismissed. They also sought leave to file an over length brief which motion is pending. Respondent Mase and Company, LLC filed an Initial Brief totaling 20 pages mainly addressing the sixth count which was dismissed. The issues raised in each brief were different. Appellant has attempted to address all of these issues in his Reply Brief in the 25 pages allowed under R 208(a) (5), SCACR but was unable to do so. As a result the Reply Brief exceeds the allowable limit by 11 pages.

Therefore, Appellant respectfully requests leave for the filing of the over length Reply Brief. Appellant asserts that it is in the interest of justice to grant this extension of the page limit so that he can fully respond to the issues raised by the County Respondents and Respondent Mase and Company, LLC.

Respectfully submitted,

By: 

Edward A. Bertele, Esq.

S.C. Bar No 72521

1812 Pierce Street

Charleston, SC 29492

843-471-2082

Attorney for Appellant, Roosevelt Simmons

Dated: May 8, 2015  
Charleston, SC

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CERTIFICATION OF SERVICE

I hereby certify that a true copy of the Appellant's Reply Brief and Appellant's Motion for leave to file over length Reply Brief was served upon the Respondents attorneys, Christopher Dorsel, Esq. and Wendy Keefer, Esq. by regular mail postage prepaid at their last known mailing address.

  
Edward A. Bertele, Esq.

May 8, 2015

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May 8, 2015

Ms. Jenny Abbott Kitchings, Clerk  
Court of Appeals  
1015 Sumter St.  
PO Box 11629  
Columbia, SC 29211

**Re: Simmons v. Mase and Co., LLC et al.  
Case No. 2014-002575**

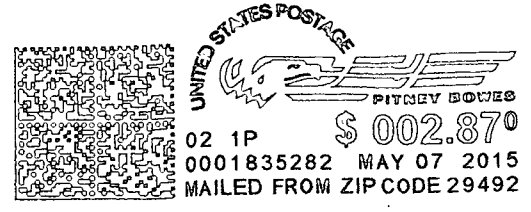
Dear Ms. Kitchings:

I am enclosing for filing the following: Appellant's Reply Brief and the original and 6 copies of Appellant's Motion for leave to file over length Reply Brief; and original Certification of Service. Also enclosed is my check for the filing fee, \$25.00. If you have any questions, please do not hesitate to call. Thank you for your kind assistance.

Very truly yours  
  
Edward A. Bertele

Encl:  
CC: Chris Dorsel, Esq. w/encl  
Wendy Keefer, Esq. “

Bertele  
1812 Pierce St.  
Charleston SC 29492



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