

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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JUL 23 2015

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

SC Court of Appeals

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.

County Respondents filed an Initial Brief which was 42 pages. Respondent Mase and Company, LLC filed an Initial Brief totaling 20 pages mainly raising other issues. Appellant was required to respond to the Statement of the Case and Statement of Fact in Respondents' Briefs in order to correct inaccuracies. Both Respondents raised issues for the first time on appeal. Many of the cases cited by both Respondents were incorrectly characterized and required Appellant to address these as well. Respondents raised different issues Appellant 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 10 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: July 20, 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.

July 20, 2015

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July 20, 2015

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

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SC Court of Appeals

**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.

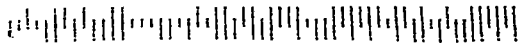
Very truly yours



Edward A. Bertele

Encl:

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



DP
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