

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

APPEAL FROM BEAUFORT COUNTY  
Court of Common Pleas

Marvin H. Dukes, III, Circuit Court Judge

Case No. 2009-CP-07-6054  
Appellate Case No. 2015-001312

**RECEIVED**

AUG 07 2015

**S.C. SUPREME COURT**

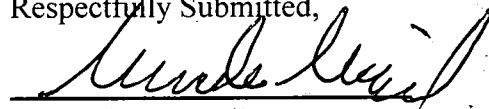
Cynthia Griffis, Plaintiff,  
v.  
Cherry Hill Estates, LLC, Eugene  
O'Neil and Ronald Faulkner, Defendants,  
Cherry Hill Estates, LLC and  
Ronald Faulkner, Third Party Plaintiffs, Petitioners,  
v.  
Anthony E. Griffis, Third Party Defendant, Respondent.

MOTION TO FILE RETURN TO MOTION TO DISMISS OUT OF TIME

Now come the Petitioners, whom move the Honorable Court for permission to file their Return to Respondent's Motion to Dismiss beyond the ten (10) day time limit following the date upon which Respondent mailed his Motion filing fee. Counsel did not properly understand that the Return to Respondent's Motion to Dismiss, which was actually a letter from Respondent to the Court dated July 13, 2015 upon which Counsel was listed as a "cc", would commence on the date that Respondent mailed the required Motion filing fee. Petitioners, through the undersigned requested unto the Court the deadlines for Return under these circumstances by letter to the Clerk of Court dated July 31, and learned that the deadline was August 3, a date on which counsel was scheduled out of the office and out of

town. Counsel submits that he was legitimately confused in part because a captioned Motion was not filed by Respondent nor was a Proof of Service sent to Respondent. Upon return to work August 5, the referenced Return was and herewith is immediately filed with the Court. Counsel therefore respectfully requests that Petitioners' Return be accept for filing.

Respectfully Submitted,



Michael W. Mogil  
Mogil Law Firm  
2 Corpus Christie Place, Ste. 303  
Hilton Head Island, SC 29928  
(843)785-8110

Attorney for Petitioners

August 5, 2015  
Hilton Head Island, SC

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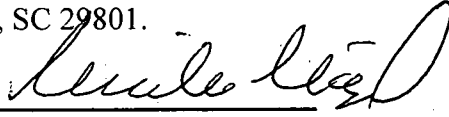
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PROOF OF SERVICE

I certify that I have served the Return to Motion to Dismiss and Motion to File Out of Time on Anthony E. Griffis, Esquire, Respondent *pro se*, by depositing a copy of it in the United States Mail, postage prepaid, on August 5, 2015, addressed to Mr. Griffis at 355 Park Avenue SW, Aiken, SC 29801.

August 5, 2015

  
Michael W. Mogil  
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Hilton Head Island, SC 29928  
(843)785-8110  
Attorney for Petitioners