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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal From York County
Court of Common Pleas
S. Jackson Kimball, Special Circuit Court Judge

Case No. 2012-CP-46-00146

Nadine Brantley Appellant,

v.

The City of Rock Hill, South Carolina,
a body politic and subdivision of the
State of South Carolina, and Wherry
Construction Co., Inc.,

Of which the City of Rock Hill is Respondent.

MOTION FOR EXTENSION OF TIME

COMES NOW respondent the City of Rock Hill ("Respondent") through its undersigned counsel and pursuant to Rules 240 and 263(b), SCACR, and respectfully requests an extension of time to serve and file the Initial Brief of Respondent and Designation of Matter to be Included in the Record on Appeal ("Respondent's Brief and Designation").

Appellant served an Initial Brief of Appellant and Designation of Matter to be Included in the Record on Appeal ("Appellant's Brief and Designation") on May 11, 2015 thereby

establishing an initial deadline of June 11, 2015 for Respondent's Initial Brief. By two letters dated May 21, 2015, the Court notified Appellant that Appellant's Brief and Designation failed to comply with the requirements of Rules 208(b)(1) and Rule 209, SCACR. On June 1, 2015 Appellant served a revised Initial Brief and revised Designation of Matter to be Included in the Record on Appeal (collectively, "Amended Brief and Designation"). A copy of Appellant's Proof of Service for the Amended Brief and Designation is attached hereto at **Exhibit A**. In effect the City did not receive Appellant's brief in this appeal until June 3, 2015, thereby necessitating an initial request for extension of time.

Prior to receipt of the Amended Brief and Designation, the lead attorney handling this appeal for the City, Mark White, departed on a scheduled family vacation from approximately June 2, 2015 through June 26, 2015. An Order for Protection was issued by the Honorable Judge Hayes for matters pending in the Court of Common Pleas, Sixteenth Judicial Circuit for this time period, a copy of which is attached hereto at **Exhibit B**. Shortly after his return, on July 3, 2015 the City submitted a second request for extension of time.

Counsel for the City has worked intently on taking those steps necessary to properly and diligently prepare

Respondent's brief in this appeal since the granting of the previous extension. However, progress was materially impeded during the month of July as the result of a heavy workload, unforeseen obligations, and competing deadlines.

The City is close to completing Respondent's Brief and Designation but needs a short amount of additional time to finalize. The City respectfully requests an extension of fifteen (15) days, or such other time deemed appropriate by the Court under the circumstances of this case, to file and serve Respondent's Brief and Designation in this matter.

WHEREFORE, the undersigned counsel for the City respectfully requests a fifteen-day extension, or such other time deemed appropriate by the Court, in which to serve and file the Initial Brief of Respondents and Designation of Matter to be Included in the Record on Appeal.

Respectfully submitted,

August 6, 2015

By: 

W. Mark White
SC Bar No. 7016
Jeremy D. Melville
SC Bar No. 77473
SPENCER & SPENCER, P.A.
226 East Main Street
P.O. Box 790
Rock Hill, SC 29731
Phone: (803) 327-7191
Fax: (803) 327-3868

ATTORNEYS FOR RESPONDENT

FORM 7

PROOF OF SERVICE OF A NOTICE OF APPEAL

Appellant Brief

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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AUG 07 2015

SC Court of Appeals

APPEAL FROM YORK COUNTY
Court of Common Pleas

R. Jackson Kimball, Special Circuit Court Judge

Case No. 2012-CP-4600-0146

Appellate Case No. 2015-000079

Nadine Brantley

Appellant

v.

The City of Rock Hill, a body politic
and a subdivision of The State of South Carolina and
Wherry Construction Co., Inc.
Defendants

Of Which Wherry Construction Co., Inc. is not a
Respondent

Of Which The City of Rock Hill, a body politic and
subdivision of the State of South Carolina is
the Respondent

Respondent

PROOF OF SERVICE

I certify that I have served The Designation of Matter to be included in the
Record on appeal on The City of Rock Hill, a body Politic and subdivision of the
State of South Carolina, by depositing a copy of it in the United States Mail,
postage prepaid, on June 1, 2014, addressed to their Attorney of Record,
Jeremy D.Melville, at 226 E. Main St. Rock Hill, S.C. 29731

June 1, 2015

cc:

Jeremy D. Melville
226 E. Main St.
Rock Hill, SC 29731
803-327-7191

Nadine Brantley, ProSe

Nadine Brantley

9501 Greyson Ridge Drive
Charlotte, NC 28277
704-779-2357

STATE OF SOUTH CAROLINA
COUNTY OF YORK

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DAVID HAMILTON
C.C.C.P. & GS
YORK COUNTY, SC

IN THE COURT OF COMMON PLEAS
SIXTEENTH JUDICIAL CIRCUIT

ORDER FOR PROTECTION

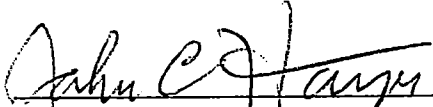
THIS MATTER comes before the Court by W. Mark White, attorney at law, practicing with Spencer & Spencer, P.A. in Rock Hill, SC, who is scheduled to be on vacation from June 2, 2015 through June 26, 2015.

IT APPEARS that attorney W. Mark White is requesting, and should be granted, for good cause shown, an Order protecting him from all court appearances or other proceedings in matters filed in York County Court of Common Pleas for June 2, 2015 through June 26, 2015.

IT IS ORDERED that W. Mark White be and is hereby granted protection from all court appearances or other proceedings in matters filed in York County Court of Common Pleas for June 2, 2015 through June 26, 2015.

AND IT IS ORDERED.

York, SC
5/26, 2015


Judge John C. Hayes, III
Court of Common Pleas
Sixteenth Judicial Circuit

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THE STATE OF SOUTH CAROLINA
In the Court of Appeals
SC Court of Appeals
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Appeal From York County
Court of Common Pleas
S. Jackson Kimball, Special Circuit Court Judge

Case No. 2012-CP-46-00146

Nadine Brantley Appellant,

v.

The City of Rock Hill, South Carolina,
a body politic and subdivision of the
State of South Carolina, and Wherry
Construction Co., Inc.,


Of which the City of Rock Hill is Respondent.

PROOF OF SERVICE

I certify that the foregoing Motion for Extension of Time
has been served by depositing a copy thereof in the United
States Mail, postage prepaid, on August 6, 2015, addressed to:

Nadine Brantley
9501 Greyson Ridge Drive
Charlotte, North Carolina 28277

SPENCER & SPENCER, P.A.

By: 
Jeremy D. Melville

SPENCER & SPENCER
PROFESSIONAL ASSOCIATION

Attorneys and Counselors at Law

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C.W.F. SPENCER (1876-1956)
C.W.F. SPENCER, JR. (1911-1985)
EMIL W. WALD (1934-2011)
W.C. SPENCER †
WILLIAM L. "RED" FERGUSON †
PAUL W. DILLINGHAM
W. MARK WHITE*
W. CHAPLIN SPENCER, JR.*
R. ALEXANDER SULLIVAN*
R. BRENT THOMPSON*
JEREMY D. MELVILLE*

† Of Counsel

* Also admitted in NC

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SC Court of Appeals

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August 6, 2015

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201

Re: Nadine Brantley v. The City of Rock Hill, et al.
Appellate Case No.: 2015-000079

Dear Ms. Kitchings:

Enclosed please find an original Motion for Extension of Time and Proof of Service, along with seven copies of the Motion in the matter referenced above. Also enclosed is a \$25.00 check for the motion fee. Please file these documents with the records of your Court and return a clocked copy to me in the enclosed envelope. If you have any questions or need anything further please let me know.

Respectfully,

SPENCER & SPENCER, P.A.


Jeremy D. Melville

enclosures

cc: Nadine Brantley

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Company ~~South Carolina~~ South Carolina Court of Appeals
Address 1220 Senate Dept./Floor/Suite/Room
City Columbia SC State SC ZIP 29201



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