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THE STATE OF SOUTH CAROLINA
In The Court Of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

Clifton B. Newman, Common Pleas Court Judge

2010-CP-26-10848
Appellate Case No.: 2015-001398

RECEIVED

SEP 14 2015
SC Court of Appeals

PAUL CURRY,

Appellant,

v.

TOWN OF ATLANTIC BEACH,

Respondent.

APPELLANT'S MOTION FOR EXTENSION TO FILE INITIAL BRIEF AND
DESIGNATION OF MATTER

COMES NOW, Randall K. Mullins, Esquire, who after being duly sworn, deposes and states as follows:

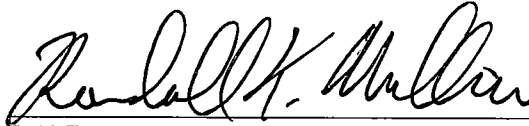
1. That he is counsel for Appellant in this matter.
2. That on June 23, 2015, Notice of Intent to Appeal was filed with the Clerk of the South Carolina Court of Appeals in this matter.
3. That Rule 207, SCACR, directs that "in appeals from the court of common pleas, masters in equity, special referees or the family court in domestic actions, the transcript must be ordered within ten (10) days after the date of service of the notice of appeal."



4. That on July 6, 2015, counsel sent correspondence to Ms. Margaret T. Sullivan, the court reporter, ordering the Transcript of Hearing from the April 13, 2015 Hearing on Appellant's Motion to Reconsider.
5. That in sending correspondence to Ms. Sullivan, counsel courtesy copied the Clerk of Court for the South Carolina Court of Appeals and opposing counsel, Leah B. Moody, Esquire.
6. That on July 20, 2015, counsel received correspondence from the Honorable Jenny Abbott Kitchings, Clerk of Court for the South Carolina Court of Appeals dated July 16, 2015, indicating that the time period for ordering the transcript had expired.
7. That on July 21, 2015, counsel replied to Clerk Kitchings' correspondence indicating that the transcript had been ordered on July 6, 2015 and enclosing a copy of the July 6, 2015 request to Ms. Sullivan. That a courtesy copy of the July 21, 2015 correspondence to Clerk Kitchings was forwarded to Ms. Sullivan.
8. That on July 27, 2015 an Order was entered by Clerk Kitchings deeming the request for the transcript to have been timely ordered.
9. That on September 8, 2015, fifty-nine (59) days after counsel's written request to Ms. Sullivan for a copy of the transcript Ms. Sullivan contacted counsel's office by phone and informed them that she was not the court reporter at the hearing:
10. That counsel learned Teresa A. Bautz was the court reporter at the hearing and counsel has contacted Ms. Bautz to request the transcript.
11. That Ms. Bautz has stated she will have a copy of the transcript prepared and emailed to counsel no later than Thursday, September 17, 2015.
12. That counsel requests that this Court allow a seven (7) day extension to serve and file the Initial Brief and Designation of Matter.

I SO MOVE.

MULLINS LAW FIRM, P.A.



RANDALL K. MULLINS SC Bar No.: 06466

JARROD E. OWNBEY SC Bar No.: 75417

ATTORNEYS FOR THE APPELLANT

Post Office Box 585

North Myrtle Beach, SC 29597

(843) 272-8902 Telephone

(843) 272-3075 Facsimile

mullinslawfirm@aol.com

Dated: 9-11-2015
North Myrtle Beach, South Carolina

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Court of Common Pleas

SEP 14 2015

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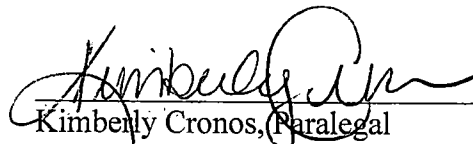
TOWN OF ATLANTIC BEACH,

Respondent.

PROOF OF SERVICE

I certify that I have served a copy of the Appellant's Motion for Extension to File Initial Brief and Designation of Matter via regular U.S. Mail addressed to the following:

Leah Moody, Esquire
PO Box 1015
Rock Hill SC 29731



Kimberly Cronos, Paralegal
MULLINS LAW FIRM, P.A.
Post Office Box 585
North Myrtle Beach, SC 29597
(843) 272-8902 Telephone
(843) 272-3075 Facsimile

Dated: 11 Sept. 2015
N. Myrtle Beach, South Carolina

Post Office Box 585
North Myrtle Beach
South Carolina 29597

Telephone 843.272.8902
Facsimile 843.272.3075
Mullinslawfirm@aol.com
Mullinslawfirm.com

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SEP 14 2015

SC Court of Appeals

September 11, 2015

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
1015 Sumter Street
Columbia, SC 29201

Re: Paul Curry v. Town of Atlantic Beach
Civil Action No.: 2010-CP-26-10848
MLF File No.: 2010-312

Dear Clerk Kitchings:

Enclosed please find for filing the original and one copy of the Appellant's Motion for Extension to File Initial Brief and Designation of Matter in connection with the above-referenced matter together with a Proof of Service. I have also enclosed my firm's check in the amount of \$25.00 as payment of the Motion filing fee.

Thank you for your assistance with this matter.

With warmest regards, I remain

Very truly yours,

MULLINS LAW FIRM, PA

Randall K. Mullins/klc

Randall K. Mullins

RKM/klc

Encls.

cc: Leah B. Moody, Esquire
Mr. Paul Curry

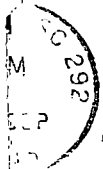
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The Honorable Jenny Abbott Kitchings
1015 Sumter Street
Columbia SC 29201-3726

Appeals