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September 12, 2012

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The Honorable Jenny Abbott Kitchings

Clerk of Court

South Carolina Court of Appeals

PO Box 11629

Columbia, SC 29211

**RE: Willie Homer Stephens as GAL for Lillian C., a minor vs. CSX Transportation, Inc.
and South Carolina Department of Transportation
Court of Appeals Case Tracking Number: 2009-126526
Civil Action Number: 2004-CP-25-0267**

Dear Ms. Kitchings:

Today, September 12, 2012, I reviewed by mail Respondent SCDOT's Return to Appellant's Petition for Rehearing which was served according to the certificate on September 6th. Respondent chose not to fax or email a copy to us and as a result, under the appellate court rules, my response is due today on the same date the return was received. I would respectfully request, under the circumstances, a 5 day extension within which to submit a reply brief, should we deem it desirable to file one. By my calculation, any such reply brief would be due Monday, September 17, 2012.

With kind regards, I am,

Sincerely,



Matthew V. Creech

MVC/tml

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