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THE STATE OF SOUTH CAROLINA **RECEIVED**

DEC 09 2015

In the Court of Appeals

SC Court of Appeals

APPEAL FROM THE COURT OF COMMON PLEAS

Honorable G. Thomas Cooper, Jr.

Circuit Court Case No.: 2007-CP-40-03365

Appellant Case No. 2014-001373

Edward Mims, by and through his legal
guardian, Margaret Mims,
Appellant,

vs.

The South Carolina Department of
Disabilities and Special Needs, Kathi
Lacy and Stan Butkus,
Respondents.

APPELLANT'S MOTION TO ALLOW LATE FILING
OF PROOF OF SERVICE OF RECORD ON APPEAL
AND FOR EXTENSION OF
TIME TO FILE RECORD ON APPEAL

With the consent of opposing counsel, Appellant respectfully requests permission to serve the Record on Appeal, to file the proof of service for the Record on Appeal out of time, and to extend the time for filing the Record on Appeal. The proof of service of the Record on Appeal was due on November 19, 2015. On November 25, 2015, Appellant filed a Motion for Extension of

Time to File Record on Appeal. When the motion was filed, the Record on Appeal was due to be filed with the Court on December 8, 2015.

The grounds for filing the November 25, 2015 motion included delays caused by the following deadlines:

In *Doe v. Kidd III*, Appellant's final briefs were due in Fourth Circuit on October 23, 2015 (oral arguments scheduled January 27, 2015).

In *R.P. v. SCDHHS*, the Record on Appeals and Appellant's final Briefs were due on November 9, 2015

In *Chip E. v. Buscemi*, the final briefs were due in the Fourth Circuit on November 16, 2015

In *Richard Stogsdill v. DHHS*, the reply to the brief of three amici which was filed on November 10, 2012 and Appellant was informed on November 12, 2015 that reply briefs were due on November 16, 2015 and oral arguments were held in the Supreme Court on November 17, 2015

In *Kobe v. Haley*, Appellant was required to file an extensive joint appendix in the Fourth Circuit on November 20, 2015

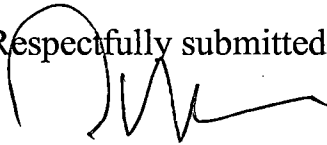
In *Chip E. v. Buscemi*, Appellant's opening brief was due in the Fourth Circuit on November 30, 2015

In *Kobe v. Haley*, final briefs are due in the Fourth Circuit on December 17, 2015

In addition to these deadlines, Appellant's counsel sustained storm damage during the October, 2015 storm, which required replacement of the roof on the office building of Appellant's counsel and caused interior water damage.

With the consent of opposing counsel, Appellant requested in the November 25, 2015 motion an extension of thirty days so that the Record on Appeal would be served on opposing counsel on December 17, 2015 and the final Record on Appeal and final briefs would be due in this Court on January 16, 2015. Appellant respectfully requests that the Court grant permission to file the proof of service of the Record on Appeal out of time, as set forth above.

Respectfully submitted,



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Attorney for Appellant

December 9, 2015

THE STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

APPEAL FROM THE COURT OF COMMON PLEAS

Honorable G. Thomas Cooper, Jr.
Circuit Court Case No.: 2007-CP-40-03365

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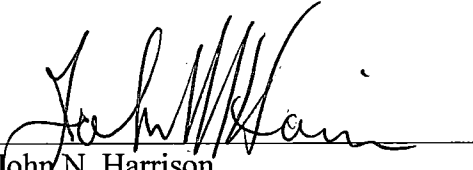
Estate of Edward James Mims,
Laura M. Cole, Personal Representative,
Appellant,

v.

The South Carolina Department of Disabilities
and Special Needs, Kathi Lacy and Stan Butkus,
Respondents.

CERTIFICATE OF SERVICE

I, John N. Harrison, certify that I have served *Appellant's Motion to Allow Late Filing of Proof of Service of Record on Appeal and for Extension of Time to File Record on Appeal* to the attorney at the address shown below on December 9, 2015.


John N. Harrison
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