

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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APPEAL FROM THE SOUTH CAROLINA  
DEPARTMENT OF MOTOR VEHICLES

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CASE NO.: 2015-001491

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**RECEIVED**

DEC 17 2015

**SC Court of Appeals**

H. H. Vonharten, Appellant,

v.

South Carolina Department of Motor Vehicles, Respondent

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MOTION FOR LEAVE TO FILE APPELLANT'S REPLY BRIEF OUT OF TIME

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The Appellant hereby moves before this Honorable Court for leave to file Appellant's Reply Brief out of time.

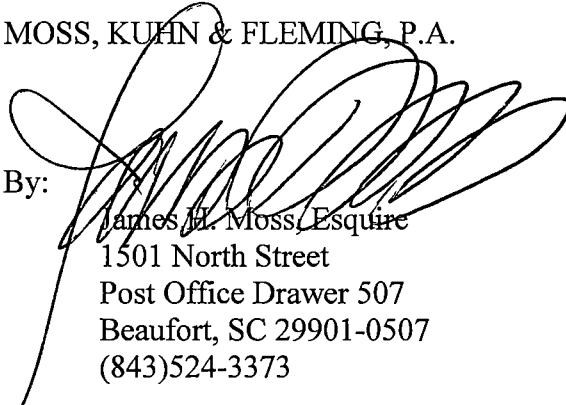
The Respondent's Initial Brief, dated October 17, 2015, was received by Counsel for Appellant on or about October 23, 2015, as affirmed by the accompanying Affidavit of Gillian Taylor. The delay appears to arise from congestion at the local Post Office as a result of the

Thanksgiving holiday. The Respondent does not believe that any prejudice has resulted from the delay in filing and serving these items. It is respectfully submitted that the best interests of justice would be served by granting this motion.

It is accordingly respectfully requested that the Appellant be allowed to file his Reply Brief out of time.

MOSS, KUHN & FLEMING, P.A.

By:

A large, stylized handwritten signature in black ink, appearing to read 'James H. Moss', is written over the typed name and address.

James H. Moss, Esquire  
1501 North Street  
Post Office Drawer 507  
Beaufort, SC 29901-0507  
(843)524-3373

Attorney for Appellant

Beaufort, South Carolina

December 2, 2015

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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APPEAL FROM THE SOUTH CAROLINA  
DEPARTMENT OF MOTOR VEHICLES

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v.

South Carolina Department of Motor Vehicles, Respondent

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**SC Court of Appeals**

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AFFIDAVIT OF GILLIAN TAYLOR

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The undersigned, being duly sworn, deposes and says as follows:

1. My name is Gillian Taylor
2. I am a legal assistant to James H. Moss, Esquire, who is counsel to Mr. H. H. Vonharten in a matter pending before the South Carolina Court of Appeals.
3. One of my responsibilities is to open, copy and scan incoming mail.
4. It is my routine practice to date and scan incoming mail.
5. On Monday afternoon, October 23, the mail delivered to our Post Office box included a copy of a brief from Respondent South Carolina Department of Motor Vehicles.
6. Consistent with my usual practice, I dated and scanned this piece of mail.

7. I am attaching a copy of the cover letter that accompanied the Brief, which indicates the date it was actually received by our firm.

Gillian Taylor  
Gillian Taylor

Sworn to and subscribed by me on this 2<sup>nd</sup> day of December, 2015

Carol Heslin

Carol Heslin  
Notary Public for the State of South Carolina

My Commission expires 9/28/19

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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CASE NO.: 2015-001491

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H. H. VONHARTEN,

v.

SOUTH CAROLINA  
DEPARTMENT OF MOTOR VEHICLES,

**RECEIVED**  
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SC Court of Appeals  
Appellant,

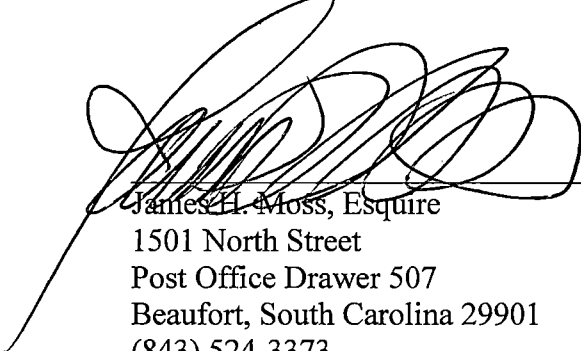
Respondent.

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PROOF OF SERVICE

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I certify that I have served a copy of the Appellant's MOTION FOR LEAVE TO FILE APPELLANT'S BRIEF OUT OF TIME on Frank Valenta, Jr., Esquire and Philip S. Porter, Esquire, South Carolina Department of Motor Vehicles, 11311 Wilson Boulevard, Post Office Box 1498, Blythewood, South Carolina 29016-0020, by depositing a copy of it in the United States Mail, postage prepaid, on December 17, 2015.



James H. Moss, Esquire  
1501 North Street  
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Beaufort, South Carolina 29901  
(843) 524-3373  
(843) 524-1301 facsimile

LAW OFFICES

MOSS, KUHN & FLEMING, P.A.

JAMES H. MOSS  
H. FRED KUHN, JR.  
CORY H. FLEMING\*

1501 North Street P.O. Drawer 507 - Beaufort, South Carolina 29901-0507

TELEPHONE 843-524-3373

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KIMBERLY L. SMITH

\*ALSO MEMBER OF GA BAR

December ~~10~~<sup>15</sup>, 2015

Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

Re: H. H. Vonharten v. South Carolina Department of Motor Vehicles  
Appellate Case No.: 2015-001491

Dear Ms. Kitchings:

Enclosed please find the original and seven copies of Appellant's Motion for Leave to File Appellant's Reply Brief Out of Time and signed Proof of Service that substantially complies with Form 7 in Appendix C to part II of the SCACR in the above-referenced matter. This is in response to a Notice of Deficiency dated December 8, 2015.

Please accept this filing as an attempt to cure the deficiency and preserve Appellant Vonharten's Motion for Leave to File Appellant's Reply Brief Out of Time. I would appreciate your returning one filed copy to me in the enclosed stamped, self addressed envelope.

With kindest regards, I am

Very truly yours,

MOSS, KUHN & FLEMING, P.A.

James H. Moss, Esquire  
Attorneys for Appellant

JHM/lstf  
Enclosures

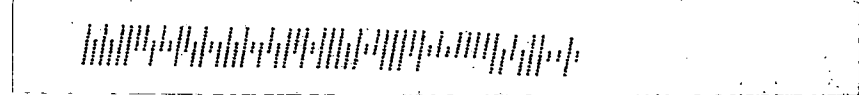
Cc: Frank L. Valenta and Philip S. Porter (with enclosure)

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SC Court of Appeals

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P.O. DRAWER 507  
BEAUFORT, SC 29901-0507



# FIRST CLASS MAIL

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ATTORNEYS AT LAW  
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P.O. Drawer 507  
Beaufort, SC 29901-0507  
843-524-3373

*JHM Vonhasten*

To:

Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

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