

78 No 2

STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM COLLETON COUNTY
Court of Common Pleas

RECEIVED

William H. Seals, Jr., Circuit Court Judge

DEC 15 2015

SC Court of Appeals

CASE NO.: 2009-CP-15-0595

THE SPRIGGS GROUP, P.C.,Respondent,

v.

GENE R. SLIVKA, Appellant.


MOTION TO FILE THE RECORD ON APPEAL OUT OF TIME

Appellant Gene R. Slivka, hereby moves the Court for an Order extending the time for Appellant to file the Record on Appeal. The Record on Appeal was due on November 30, 2015. Due to a miscalculation in calendaring the Record on Appeal deadline, Appellant filed the Record on Appeal on December 9, 2015. Appellant respectfully requests that the Record on Appeal filed on December 9, 2015 be submitted for consideration.

Respectfully submitted,

LYLES & LYLES, LLC

By:


Robert T. Lyles, Esquire
S. C. Bar #10299
342 East Bay Street
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December 10, 2014
Charleston, South Carolina

STATE OF SOUTH CAROLINA
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William H. Seals, Jr., Circuit Court Judge

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THE SPRIGGS GROUP, P.C.,Respondent,

v.

GENE R. SLIVKA, Appellant.

AFFIDAVIT OF BROOKE TREVINO

PERSONALLY APPEARED BEFORE ME, Brooke Trevino, who, being duly sworn
deposes and says that:

1. I am over the age of eighteen (18) and the assertions made in this Affidavit are true and are based upon my personal knowledge.
2. I am a paralegal employed with the firm Lyles & Lyles, LLC.
3. This Affidavit is submitted in support of Appellant's Motion to File the Record on Appeal out of Time.
4. On October 30, 2015, our office received Respondent's Initial Brief in this matter.
5. Due to a miscalculation on my part, I calendared the due date for the Record on Appeal as December 9, 2015.

FURTHER DEPONENT SAYETH NOT.

Brooke Trevino
Brooke Trevino

Dated: 12|10|15

SWORN to before me this 10th

day of December, 2015.

Cynthia R. Worstan
Notary Public for South Carolina
My commission expires: 2-6-2024

STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM COLLETON COUNTY
Court of Common Pleas

William H. Seals, Jr., Circuit Court Judge

APPELLATE CASE NO: 2015-001457

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DEC 15 2015
SC Court of Appeals

THE SPRIGGS GROUP, P.C., Respondent,

v.

GENE R. SLIVKA, Appellant.

CERTIFICATE OF COUNSEL

I certify that I have served the Motion to File the Record on Appeal Out of Time by depositing a copy of it in the United States Mail, postage prepaid, on December 10, 2015, addressed to their attorneys of record, James Atkinson Bruorton, IV, Esquire, Rose, Rosen & Hagood, LLC, 151 Meeting Street, Suite 400, Charleston, SC 29402.

December 10, 2015

Brooke Trevino
Brooke Trevino
Paralega

LYLES & LYLES, LLC
ATTORNEYS AT LAW
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Robert T. Lyles, Jr.
Member

Direct: (843) 735-5560
E-mail: rtl@lylesfirm.com

December 10, 2015

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

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DEC 15 2015

Re: *The Spriggs Group, P.C. vs. Gene R. Slivka* SC Court of Appeals
Court of Appeals Case Number: 2015-001457

Dear Ms. Kitchings,

Enclosed you will please find the original and seven (7) copies of Appellant's Motion to File the Record on Appeal Out of Time, along with our firm check in the amount of \$25.00 as the filing fees for said Motion. Please cause the original and six (6) copies to be filed with the court, and return the extra stamped clocked copy to me in the enclosed, self-addressed and stamped envelope provided for your convenience herein.

By copy of this letter I am providing the enclosure to all counsel of record by mail as set forth in the Proof of Service included with the motion.

Thank you, and with kindest regards, I remain

Very truly yours,

LYLES & LYLES, LLC

Brooke Trevino

Brooke Trevino

RTL/bt

Enclosure

cc: James A. Bruorton, IV, Esquire

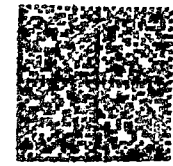
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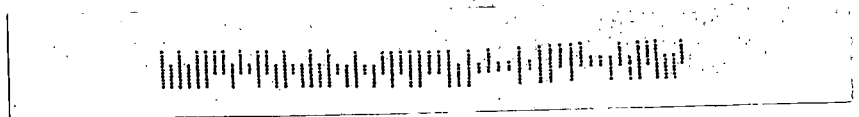
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Charleston, South Carolina 29401

Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
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