

STATE OF SOUTH CAROLINA
In the Court of Appeals

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SC Court of Appeals

ON APPEAL FROM THE ADMINISTRATIVE LAW COURT

The Honorable Ralph King Anderson, III, Chief Administrative Law Judge

Appellate Case No. 2015-000733

Kan Enterprises, Inc., d/b/a A 1 Food Stores,Appellant,

v.

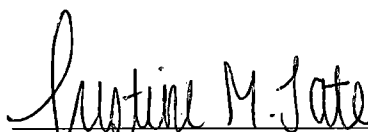
South Carolina Department of Revenue, Ellen Fishburne Triplett,
Keith McIver, Samuel L. Munson, Jocelyn Munson, and Michael Hill,Respondents.

MOTION FOR EXTENSION OF TIME TO FILE FINAL BRIEF AND DESIGNATION OF
MATTER

The undersigned, as counsel for Respondent South Carolina Department of Revenue (the "Department"), hereby moves for a seven (7) day extension of time to file its Final Brief and Designation of Matter. The ground for this Motion is that the Appellant acknowledged on December 29, 2015 it filed an incomplete Record on Appeal with this Court on December 15, 2015. Appellant stated that it intended to file a motion with this Court to supplement the Record on Appeal and a motion to correct its filed Final Brief on December 29, 2015 (See attached e-mail). As of January 4, 2016, the Appellant had not filed such motion. Accordingly, the Department has not yet filed its Final Brief in anticipation of incorrect references to the Record on Appeal. This Motion is not made for purposes of undue delay or any other improper purpose.

This extension request for the filing of the Department's Final Brief and Designation of Matter is not intended for purposes of delay. Further, there would be no prejudice to the parties by an extension of time. The Department's current deadline to file its Final Brief and Designation of Matter is January 4, 2016. This Motion for an extension, if granted, would extend the Department's deadline to January 11, 2016. This is the Department's first request for an extension in this matter.

WHEREFORE, the Department respectfully prays that this Court extend the deadline for the service and filing its Final Brief and Designation of Matter to January 11, 2016.



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Attorneys for the Department

Columbia, South Carolina

January 5, 2016

Re: Kan Enterprises v. SCDOR et al

Justine M. Tate

Mon 1/4/2016 8:57 AM

To: John Bradley <john@mttlaw.com>; Kathleen McDaniel <KathleenMcDaniel@callisontighe.com>; Lynn G. Ivey <lynn@mttlaw.com>; 'sharpep@rcgov.us' <sharpep@rcgov.us>;

Cc: Carli N. Cochran <carlicochran@callisontighe.com>;

We consent as well.

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From: John Bradley <john@mttlaw.com>
Sent: Tuesday, December 29, 2015 3:49 PM
To: 'Kathleen McDaniel'; Lynn G. Ivey; Justine M. Tate; 'sharpep@rcgov.us'
Cc: Carli N. Cochran
Subject: RE: Kan Enterprises v. SCDOR et al

Thanks, Kathleen!

From: Kathleen McDaniel [mailto:KathleenMcDaniel@callisontighe.com]
Sent: Tuesday, December 29, 2015 3:52 PM
To: Lynn G. Ivey; 'Justine M. Tate'; John Bradley; 'sharpep@rcgov.us'
Cc: Carli N. Cochran
Subject: RE: Kan Enterprises v. SCDOR et al

Thanks for sorting that out, Lynn. We consent.

Kathleen



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Please consider your environmental responsibility before printing this e-mail.

From: Lynn G. Ivey [mailto:lynn@mttlaw.com]
Sent: Tuesday, December 29, 2015 3:33 PM
To: Kathleen McDaniel; 'Justine M. Tate'; John Bradley; 'sharpep@rcgov.us'
Cc: Carli N. Cochran
Subject: Kan Enterprises v. SCDOR et al

Dear All,

As Kathleen noted in a previous email, the Order on Motion for Reconsideration and Amended Final Order and Decision in Volume 1 of the Record on Appeal omitted every other page of the orders. Regretfully, the copies we retrieved from the Court were not complete and this error was not found prior to printing. These Orders were attached as exhibits to our Notice on Appeal which is located in Volume 2 and these are complete.

I discussed this error with Chelsea, our case manager at the Court of Appeals.

With the written consent of Kathleen, Justine and Patrick, we would like to file a motion to supplement the Record on Appeal and will ask that the Court ignore pages 1 through 9 of Volume 1. We will also file a motion to allow us to correct the filed final briefs as well with the new page numbers as needed.

I apologize again for this oversight and request your consent to supplement the Record so that the two orders are complete and correct, and to move to correct the filed final briefs.

Lynn G. Ivey

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Keith McIver, Samuel L. Munson, Jocelyn Munson, and Michael Hill,Respondents.

PROOF OF SERVICE

I, Jean M. O'Connor do here by certify that I have caused to be mailed, postage prepaid, a copy of the Department of Revenue's Motion for Extension to File its Final Brief and Designation of Matter in the above-referenced matter to S. Jahue Moore, Esquire and John C. Bradley, Esquire, PO Box 5709, West Columbia, SC 29171; Kenneth E. Allen, Esquire, 1201 Main Street Suite 1980, Columbia, SC 29201; and Kathleen M. McDaniel, Esquire, PO Box 1390, Columbia, SC 29201-1390 this 5th day of January, 2016.



Jean M. O'Connor



South Carolina
Department of Revenue

P.O. Box 125, Columbia, SC 29214

CE-26

THE HONORABLE JENNY ABBOTT KITCHINGS
CLERK SC COURT OF APPEALS
PO BOX 11629
COLUMBIA SC 29211

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