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THE STATE OF SOUTH CAROLINA
In The Court Of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

Clifton B. Newman, Common Pleas Court Judge

2010-CP-26-10848
Appellate Case No.: 2015-001398

RECEIVED
FEB 19 2016
SC Court of Appeals

PAUL CURRY,

Appellant,

v.

TOWN OF ATLANTIC BEACH,

Respondent.

APPELLANT'S MOTION FOR EXTENSION TO FILE REPLY BRIEF AND FOR STAY OF
DEADLINES AND REQUIREMENTS

COMES NOW, Jarrod E. Ownbey, Esquire, who after being duly sworn, deposes and states
as follows:

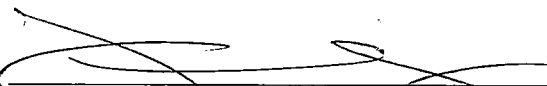
1. That he is counsel for Appellant in this matter.
2. That on June 23, 2015, Notice of Intent to Appeal was filed with the Clerk of the South Carolina Court of Appeals in this matter.
3. That on September 14, 2015, Appellant's Counsel filed a Motion for Extension of Time to File Initial Brief and Designation of Matter and on October 7, 2015 an Order was entered granting Appellant's Motion, causing Appellant's Initial Brief and Designation of Matter to be Included in the Record on Appeal to be due on or before October 17, 2015.

4. That on October 15, 2015, Appellant filed and served Appellant's Initial Brief and Designation of Matter to be Included in the Record on Appeal, making Respondent's Initial Brief due on or before November 14, 2015.
5. That Respondent's counsel requested a Thirty (30) day extension to file Respondent's Initial Brief, which was received by this Court on November 16, 2015.
6. That on December 14, 2015, correspondence was sent from Deputy Clerk V. Claire Allen indicating that Respondent's First Motion for Extension was deficient in that Respondent's counsel failed to include the filing fee and directed Respondent's Counsel to correct the deficiency within Ten (10) days of the date of the Deficiency Letter, making Respondent's correction due on or before December 24, 2015.
7. That on December 29, 2015, Respondent's Counsel filed a Motion for an Extension to File Initial Brief Out of Time, wherein she requested an extension to file Respondent's Initial Brief by December 14, 2015.
8. That Respondent's Counsel's December 29, 2015 Motion requested an extension for a date that had already passed at the time of the filing of the Motion.
9. That on December 31, 2015, Appellant's Counsel filed a Return to Motion to File Respondent's Initial Brief Out of Time.
10. That on February 11, 2016, Respondent's Counsel filed the Initial Brief of Respondent, Designation of Matter to be Included in Record on Appeal and a third [Motion] to File Initial Brief Out of Time, wherein Respondent's Counsel requested a Thirty (30) day extension to File Respondent's Initial Brief.
11. That Appellant's counsel has filed concurrently with this Motion an Amended Return to Respondent's Motion for an Extension to File Initial Brief Out of Time.

12. That Respondent's Counsel has not been granted an Order allowing her to file Appellant's Initial Brief out of time.
13. That Respondent's Counsel has filed Respondent's Initial Brief Eighty-Seven (87) days after the deadline of November 16, 2015.
14. That should this Court grant Respondent's Counsel's previous requests to file out of time, Appellant's Initial Reply Brief must be filed on or before February 21, 2016.
15. That due to the ambiguity created by Respondent's Counsel's repeated filing of Motions for Extensions to File Initial Brief Out of Time and the lateness of the filing of Respondent's Initial Brief, counsel for Appellant respectfully requests a stay of all deadlines and requirements in this matter until such time as this Court has ruled on Respondent's Counsel's Motions for Extensions to File Respondent's Initial Brief Out of Time or, in the alternative, for a Thirty (30) day extension for Appellant to file and serve Appellant's Initial Reply Brief.

I SO MOVE.

MULLINS LAW FIRM, P.A.


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JARROD E. OWNBEY SC Bar No.: 75417
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Dated: February 18, 2016
North Myrtle Beach, South Carolina

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February 18, 2016

VIA FEDERAL EXPRESS

Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
PO Box 11629
Columbia, SC 29211

RECEIVED
FEB 19 2016
SC Court of Appeals

Re: Paul Curry v. Town of Atlantic Beach
Civil Action No.: 2010-CP-26-10848
Appellate Case No.: 2015-001398
MLF File No.: 2010-312

Dear Clerk Kitchings:


Enclosed please find the original and one (1) copy of the Amended Return to Respondent's Motion for an Extension and to File Initial Brief Out of Time and Motion to Strike Respondent's Initial Brief and the original and one (1) copy of Appellant's Motion for Extension to File Reply Brief and for Stay of Deadlines and Requirements in the above-referenced matter, together with a Proof of Service.

Thank you for your assistance with this matter.

With warmest regards, I remain

Very truly yours,

MULLINS LAW FIRM, PA


Jarrod E. Ownbey

JEO/klc

Encls.

cc: Mr. Paul Curry
Leah B. Moody, Esquire

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envelope shipping

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SC Court of Appeals

ORIGIN ID: MYRA (843) 272-8902
KIMBERLY CRONOS
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1312 MADISON DRIVE

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ACTWGT: 0.40 LB
CAD: 105531417/INET3730

NORTH MYRTLE BEACH, SC 29597
UNITED STATES US

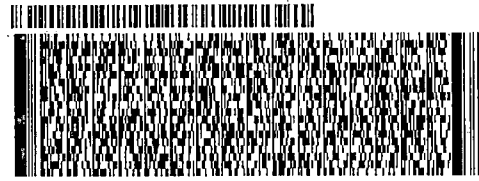
BILL SENDER

TO THE HONORABLE JENNY ABBOT KITCHINGS
SOUTH CAROLINA COURT OF APPEALS
1015 SUMTER ST

COLUMBIA SC 29201

(803) 734-1890
INV:
PO:

REF: CURRY 2010312
DEPT:

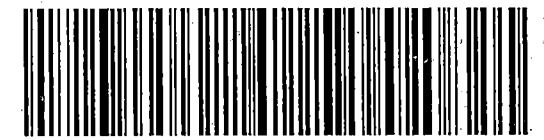


FRI - 19 FEB 3:00P
STANDARD OVERNIGHT

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