

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

79807

APPEAL FROM LEXINGTON COUNTY
William P. Keesley, Circuit Court Judge

RECEIVED
MAY 09 2016
SC COURT OF APPEALS

Case No. 2012-CP-32-0342

Kay Paschal Wallace, Respondent-Appellant,

v.

Leon Lott, the Duly Elected Sheriff of
Richland County, South Carolina, Appellant-Respondent.

**MOTION TO ACCEPT
FILING OUT OF TIME**

The Appellant-Respondent Leon Lott, respectfully moves this Court to accept the Initial Respondent's Brief of Appellant-Respondent out of time.

The Appellant-Respondent Leon Lott's motion is based on the following grounds:


1. The Appellant-Respondent Leon Lott's brief was due to be filed by May 4, 2016.

2. The undersigned counsel for the Appellant-Respondent Leon Lott was unable to complete the preparation of the Initial Respondent's Brief of Appellant-Respondent by May 4, 2016 because of other deadlines and obligations, including a plaintiff's deposition in a federal civil rights case that took longer than expected to complete and an Answer due in another complex federal civil rights case..

3. Counsel for the Respondent-Appellant Kay Paschal Wallace has consented to this extension per the attached email.

WHEREFORE, the Appellant-Respondent Leon Lott respectfully requests that the Court accept the filing of his Initial Respondent's Brief out of time.

DAVIDSON & LINDEMANN, P.A.

BY: 

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Counsel for Appellant-Respondent Leon Lott

Columbia, South Carolina
May 5, 2016

Andrew Lindemann

From: Andrew Lindemann
Sent: Thursday, May 05, 2016 9:46 AM
To: 'John Bradley'
Subject: RE: Paschal

Thanks. Very much appreciate it.

From: John Bradley [<mailto:john@mttlaw.com>]
Sent: Thursday, May 05, 2016 9:44 AM
To: Andrew Lindemann
Subject: Re: Paschal

Oh sure! No problem at all!

Sent from my iPhone

On May 5, 2016, at 9:43 AM, Andrew Lindemann <alindemann@DML-LAW.com> wrote:

John:

I ran into a problem last night and wasn't able to get my brief finished by midnight. I plan to get it filed today with a motion to accept it one day late. Will you consent? I would appreciate that. I've got too many things going on – which we all do.

Andrew

DAVIDSON & LINDEMANN, P.A.

ATTORNEYS AND COUNSELLORS AT LAW

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May 5, 2016

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Of Counsel
Kenneth P. Woodington

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

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SC Court of Appeals

RE: Kay Paschal Wallace v. Leon Lott, the Duly Elected Sheriff of Richland County,
South Carolina
Appellate Case Number: 2015-001153
Civil Action Number: 2012-CP-32-0342
Our File Number: 314.9502

Dear Ms. Kitchings:

Please find enclosed for filing the original and seven copies of the **Motion to Accept Filing Out of Time**, as well as the originals and one copy each of the **Initial Respondent's Brief of Appellant-Respondent** and the **Appellant-Respondent's Designation of Matter to be Included in the Record on Appeal** in the above referenced matter. Please file the originals and return a clocked-in copy of each document to me in the enclosed envelope. I have also enclosed my firm's \$25.00 check for the filing fee.

By copy of this letter, I am serving copies on all counsel of record.

Thank you for your assistance in this matter.

Sincerely,

DAVIDSON & LINDEMANN, P.A.



Andrew F. Lindemann

AFL/jmb
Enclosures

cc: S. Jahue Moore, Esquire (w/ Enclosures)
John C. Bradley, Jr., Esquire (w/ Enclosures)
Patrick J. Frawley, Esquire (w/ Enclosures)



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SC Court of Appeals

The Honorable Jenny Abbott Kitchings
 Clerk of Court
 South Carolina Court of Appeals
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 Columbia, South Carolina 29211