

64167

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

Letitia H. Verdin, Circuit Court Judge

C.A. NO.: 2010-CP-23-03597

Delta Apparel Respondent,

v.

Daniel G. Farina..... Appellant.

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SC Court of Appeals

PETITION TO ACCEPT BRIEF OUT OF TIME

The undersigned attorney, on behalf of the Appellants, petitions this Court to accept Appellant's brief out of time. As grounds for this petition, Appellant's counsel contends that she deposited the brief in the mail on April 9, 2012 at the Anderson Main Post Office. (See attached receipt as Exhibit A). Counsel was unaware that the initial brief had not been received by the Court until the Clerk's letter of May 2, 2012.

Accordingly, Appellant respectfully requests that the Court accept his appeal out of time for good cause shown. Appellant also asserts that concurrently with the service of this motion on Appellee that they are also re-serving a copy of the initial brief.



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May 10, 2012

ATTORNEY FOR APPELLANT

ANDERSON M O
1900B N MAIN ST
ANDERSON, SC 29621-9998

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Sales Receipt
Product Sale Unit Final
Description Qty Price Price

COLUMBIA, SC 29211 \$1.90
Zone-2 First-Class Mail®
Large Envelope
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11.
Certified Mail™ \$2.90
Return Receipt (U.S. Mail) \$2.30
%% Label #:
7196 9011 5430 0102 8483

Issue Postage: \$7.20

GREENVILLE, SC 29603-0208 \$1.30
Zone-1 First-Class Mail®
Large Envelope
0 lb. 2.30 oz.
* Expected delivery Wednesday, April
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Certified Mail™ \$2.90
Return Receipt (U.S. Mail) \$2.30
%% Label #:
7196 9011 5430 0102 8490

Issue Postage: \$6.60

Total: \$13.80

Paid by: AMEX \$13.80
Account #: XXXXXXXXXXXX1014
Approval #: 508072
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PROOF OF SERVICE

I certify that I have served a copy of the **Appellant's Initial Brief** and the **Motion to Accept Brief Out of Time** on Appellee and the Court by depositing a copy of it in the United States Mail, Return Receipt requested, on May 10, 2012, addressed to Appellee's attorney of record, Mr. Samuel W. Outten, Womble Carlyle Sandridge & Rice, PLLC, PO Box 10208, Greenville, SC 29603-0208 and to the South Carolina Court of Appeals, The Honorable Jenny A. Kitchens, Clerk, 1015 Sumter St, Columbia, South Carolina 29201 by personal delivery on May 11, 2012.



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