

THE STATE OF SOUTH CAROLINA
In the Supreme Court

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OCT 22 2012

APPEAL FROM GREENVILLE COUNTY
In The Circuit Court of Common Pleas

S.C. Supreme Court

John C. Few, Circuit Court Judge

On Certiorari to the Supreme Court of South Carolina
Opinion No. 2011-UP-061 (S.C. Ct. App. Filed Feb. 16, 2011)

Mountain View Baptist Church.....Respondent.

v.

Bobby Lee Burdine.....Petitioner

**MOTION TO ACCEPT RESPONSE TO APPELLANT'S ~~INITIAL~~ BRIEF OUT
OF TIME**

The undersigned, Mountain View Baptist Church (hereinafter referred to as "Mountain View"), hereby moves for the Court to accept its Response to Appellant's Initial Brief out of time. In support of its Motion, Mountain View asserts that the filing of its Response to Appellant's Initial Brief was a simple human error.

Bobby Lee Burdine (hereinafter referred to as "Burdine") served his Initial Brief on August 27, 2012. Due to its counsel's busy trial calendar, Mountain View moved for a ten (10) day extension to file the Initial Response, which was granted. On Monday, October 8, 2012, counsel went to the post office to mail to Response, not realizing it was Columbus Day until she reached the post office and it was closed. The Response fell between the seat in her car and was not discovered until several days later.

Accordingly, Mountain View asserts that any error by its counsel in filing the Response to Appellant's Initial Brief was an inadvertent error and, therefore, Mountain View requests the Court accept its Response to Appellant's Initial Brief

Respondent conferred with Appellant's counsel, Mr. Kirby Mitchell, who does not oppose Respondent's motion.

Respectfully submitted,



Candy M. Kern-Fuller, S.C. Bar No. 11392

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October 22, 2012

**ATTORNEY FOR MOUNTAIN VIEW
BAPTIST CHURCH**

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM GREENVILLE COUNTY
In the Circuit Court of Common Pleas

John C. Few, Circuit Court Judge

C.A. NO.: 2011-192466

Mountain View Baptist Church Appellant

v.

Bobby Lee Burdine Respondent.

PROOF OF SERVICE

I certify that I have served Mountain View Baptist Church's Motion to Accept its Brief Out of Time (6 copies and an original) and Respondent's Brief (15 copies and an unbound original) by hand delivering the same to the Clerk of the South Carolina Supreme Court and by hand delivering one copy of each of the same to:

Mr. Michael S. Gambrell, Esq.
Mr. Kirby Mitchell, Esq.
South Carolina Legal Services
701 S. Main Street
Greenville, S.C. 29601

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**ATTORNEY FOR RESPONDENT
MOUNTAIN VIEW BAPTIST CHURCH**