

MAY 09 2016

SC Court of Appeals

State of South Carolina)
County of Greenville)

In the South Carolina Court of Appeals
Case No. 2016-000584

AFFIDAVIT OF WILLIAM R. MCKIBBON III

1. I am Will McKibbon, and I am attorney for the Appellants in the above-referenced appeal. I swear, under any and all penalties of law, that the averments herein are true and accurate.
2. I am a sole practitioner in Greenville and have been practicing since 2000. I have appeared before the SC Court of Appeals once previously in approximately 2001 or 2002.
3. Throughout this appeal, I have been in phone contact with the Clerk of Court's office for the SC Court of Appeals numerous times for the purposes of checking and double checking with procedural compliance and timeliness. These phone conversations began with initial Notice of Appeal, follow ups regarding the same and with regard to the briefing schedule, and one call prior to the due date of the Initial Brief that I specifically initiated for the purposes of requesting a confirmation of the due date for the Initial Brief and Designation of Matter. In all, I spoke to the Clerk's office 4 times, including the call the week prior to the due date of the Initial Brief.
4. Initially with the service of Notice of Appeal, the Court of Appeals returned by submission noting a deficiency because a portion of the Order appealed form was not included in the submission. I remedied that deficiency immediately and proceeded thereafter with the preparation of the Initial Brief. In order to maximize all time available for the initial briefing, and uncertain of the official effective date of Notice, I called the Clerk's office the week prior to the due date and was specifically told that April 20, 2016 was the due date for the Initial Brief. I also specifically recall asking the Deputy Clerk

and her confirming that post-marking the Brief by that date would constitute filing.

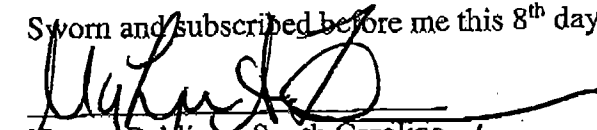
Therefore, I followed in due course and filed by that date that appeared on the calendar or briefing schedule that the Deputy Clerk checked and double-checked at my request.

FURTHER AFFIANT SAYETH NOT.



William R. McKibbon III

Sworn and subscribed before me this 8th day of May, 2016



Notary Public of South Carolina

My commission expires: 4/8/2025