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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM ORANGEBURG COUNTY
Court of Common Pleas

Maite' Murphy, Circuit Court Judge

Appellate Case No.: 2015-001718

RECEIVED

MAY 25 2016

SC Court of Appeals

Wanda Mack,Appellant,


v.

Carmen Gates,Respondent.

RESPONDENT'S MOTION TO FILE FINAL BRIEF OUT OF TIME

Respondent through her undersigned counsel, hereby moves before this Honorable Court for an Order granting Respondent permission to file her Final Brief out of time. The basis for this motion is premised upon the fact that counsel for the Respondent was and is currently involved in other matters currently pending before the Courts of this State was and is preparing for matters which may be called for trial in June 2016, and needed additional time to complete the Final Brief in this matter as is more outlined in the attached affidavit.

Assuming a favorable reception of this Motion, the Respondent's Final Brief is being filed contemporaneously with this Motion.



JAMES B. LYBRAND, JR.
S.C. Bar #3453
McDONALD, McKENZIE, RUBIN,
MILLER AND LYBRAND, L.L.P.
POSTOFFICE BOX 58
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COLUMBIA, SOUTH CAROLINA 29202
(803) 252-0500
Attorneys for Respondent

Columbia, South Carolina

May 25, 2016

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AFFIDAVIT OF JAMES B. LYBRAND, JR.

Personally appeared before me James B. Lybrand, Jr. who being duly sworn, deposes and says:

1. That he is counsel for Respondent in the above captioned matter.
2. That the undersigned was out of his office from April 28 until May 3, 2016 attending events related to the marriage of his daughter on April 30, 2016. The undersigned returned to his office on May 3, 2016 and saw a letter from Appellant's counsel dated April 28 evidencing Appellant's filing of the record on appeal in this matter. (This was an unbound copy of the record on appeal and the undersigned received a bound copy of the record on appeal from Appellant on May 18, 2016).
3. On or about May 13, 2016 the undersigned received copies of letters from the court to Appellant's counsel noting deficiencies in the record on appeal filed by Appellant. The undersigned assumed that he would receive an Order from the court relating to the record on appeal once the noted deficiencies had been corrected.

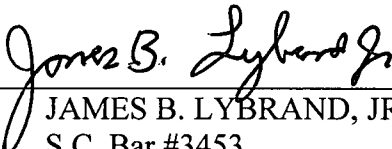
4. The undersigned communicated by telephone with the clerk's office on May 24, 2016 to inquire about the issuance of any Order correcting deficiencies in the record on appeal and was advised that no Orders had yet been issued and that Respondent should proceed to file her final brief in accordance with the rules.

5. It appears to the undersigned that Respondent's final brief may have been due for filing on or before May 23, 2016 which was twenty (20) days after the undersigned received Appellant's unbound copy of the record on appeal.

6. Counsel for Respondent has prepared and completed Respondent's final brief which is being filed with the court on May 25, 2016 contemporaneously with the motion to be permitted to file such brief out of time.

7. The undersigned is informed and believes that good cause exists for allowing Respondent to file her final brief out of time and that no prejudice has been created by any delay in filing.

8. The undersigned respectfully requests that this court grant the motion to file Respondent's Final Brief out of time.



JAMES B. LYBRAND, JR.
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COLUMBIA, SOUTH CAROLINA 29202
(803) 252-0500
Attorneys for Respondent

Columbia, South Carolina
May 25, 2016

Sworn to before me this
25th day of May, 2016

Sheila M. Bryant
Notary Public for S. C.

My Commission Expires: 9/22/2018

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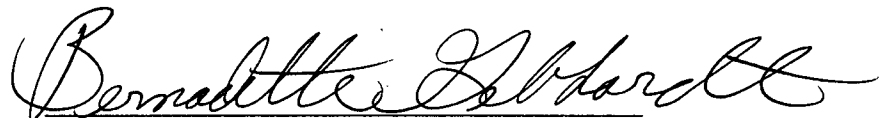
Carmen Gates,Respondent,

PROOF OF AND CERTIFICATE OF SERVICE

I hereby certify that a copy of Respondent's Motion to File Brief Out Of Time and Final Brief dated May 25, 2016 was served

upon the following via US Mail on the 25th day of May to the address below:

Steven D. Murdaugh, Esquire
R. Alexander Murdaugh, Esquire
Peters, Murdaugh, Parker, Eltzroth, &
Detrick, PA
P. O. Box 1164
Walterboro, SC 29488



Bernadette Gebhardt
Legal Assistant to James B. Lybrand, Jr.

Columbia, South Carolina

May 25, 2016

McDonald, McKenzie, Rubin, Miller and Lybrand, L.L.P.

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Email: Lybrand@mmrml.com

James B. Lybrand, Jr.
*Certified Mediator & Arbitrator

May 25, 2016

VIA HAND DELIVERY

Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Calhoun Building
1220 Senate Street
Columbia, SC 29201

RECEIVED
MAY 25 2016
SC Court of Appeals

**Re: Wanda Mack v. Carmen Gates
State of South Carolina Court of Appeals – Case No.: 2015-001718**

Dear Ms. Kitchings:


On behalf of Respondent, I am enclosing an original and six copies of a motion permitting Respondent to file her final brief out of time. I am also enclosing a certificate of service showing that a copy of this motion is being served on counsel for Appellant. Also attached is our firm's check in the amount of \$25.00 represents payment of the filing fee for the motion.

I am also enclosing for filing fifteen (15) bound copies and one (1) unbound copy of Respondent's Final Brief along with a certificate of compliance and a proof and certificate of service in accordance with Rule 211 SCACR.

Thank you for your attention to this matter, if you need any additional information, please do not hesitate to contact me.

With kind regards,

Very truly yours,


James B. Lybrand, Jr.

JBLjr/bg

Enclosures

cc: R. Alexander Murdaugh
Steven D. Murdaugh