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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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JUL 20 2016

APPEAL FROM HAMPTON COUNTY
Court of Common Pleas

SC Court of Appeals

Judge Perry M. Buckner, III, Circuit Court Judge

Appellate Case No. 2016-000222

Angel Y. Gary as Personal Representative of the Estate of
Blondell M. Gary,.....Respondent,

v.

Lowcountry Medical Transport, Inc. American Medical Response, Inc.,
d/b/a Access2care, and Eugene A. Kirkland, In re: Charles Gary, Purported
Surviving Spouse, Defendants,
Of Whom Charles Gary, Purported Surviving Spouse, is.....Appellant.

MOTION TO SERVE AND FILE OUT OF TIME

PLEASE TAKE NOTICE that the basis for this motion is that counsel missed the deadline in which to serve and file the Final Brief. Counsel submits to this Honorable Court that Respondent's Initial Brief was served and filed on May 4, 2016. That the Record on Appeal was received on June 8, 2016, which made Respondent's Final Brief due no later than June 27, 2016. However, due to an oversight, the receipt of the Record on Appeal was not entered into the firm's case management program. If the receipt of the Record been entered into the case management system, counsel would have automatically received reminders of the deadline and

the deadline to serve and file said Final Brief would have appeared on counsel's calendar. The Respondent should not be prejudiced by counsel's mistake.

July 20, 2016

Respectfully submitted,

BY: 

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The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Re: *Angel Y. Gary as PR for Blondell Marie Gary v. Lowcountry Medical Transport, Inc., American Medical Response, Inc., d/b/a, Access2Care, and Eugene A. Kirkland Appellate Case No.: 2016-000222*

Dear Ms. Kitchings:

I have enclosed for filing pursuant to Rule 211, SCACR, the original and sixteen (16) copies of the Final Brief of Respondent, Certificate of Counsel pursuant to Rule 211(b) along with a Proof of Service and the Motion to Serve and File Out of Time. I would appreciate you acknowledging receipt of these documents by date-stamping the extra copy and returning it to me in the enclosed envelope. By copy of this letter, I am serving counsel for Appellant with these documents and enclose a Proof of Service to that effect. I have also enclosed a check from our firm in the amount of \$25.00 for the filing fee. If you have any questions or need any additional information, please do not hesitate to contact me.

With kind regards, I am

Sincerely,



Austin H. Crosby

AHC/abg
Enclosures

cc: Joseph Dawson, III, Esquire