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THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY  
Court of Common Pleas

Letitia H. Verdin, Circuit Court Judge

**RECEIVED**

JUL 22 2016

SC Court of Appeals

Case No. 2012-CP-23-3532  
Appellate Case No 2015-001744

Check First of Greenville, LLC  
d/b/a Evo Merchant Coop.,

Appellant,

v.

Merchant Services of the  
Upstate, Inc., and Alfred J.  
Pearce, IV,

Respondents.

MOTION TO FILE  
DESIGNATION OF MATTER AND INITIAL BRIEF  
OUT OF TIME

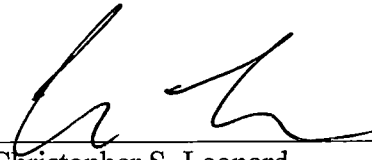
The Appellant, through its undersigned counsel, respectfully requests this Honorable Court allow the designation of matter and initial brief in this matter to be filed outside of the Court's time limits, for the following reasons.

Counsel has spent an extensive amount of time reviewing the record in this matter, which is both lengthy and complex. Counsel has filed a detailed brief extensively covering both the facts and legal issues involved in this appeal. At the same time, counsel has spent significant time insuring the facts and legal arguments are focused such that the Court and opposing counsel can efficiently consider these arguments.

In addition, counsel has had a number of time-consuming litigation matters that have been scheduled over the last several weeks. His current caseload made, and the requirement this matter be handled diligently and competently, required more time than expected to complete this brief.

Because the brief is now complete, and is being filed shortly after the deadline, counsel respectfully requests this Honorable Court consider these documents timely filed on the date of delivery.

Respectfully submitted,



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Joshua Snow Kendrick  
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Greenville, South Carolina 29606  
(864) 760-4000

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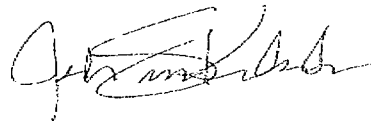
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PROOF OF SERVICE

I certify that I have served the **Motion to File Out of Time, Designation of Matter, and Initial Brief** on The Respondents, by depositing a copy of it in the United States Mail, postage prepaid, on July 22, 2016, addressed to his attorney of record, John Read, Esquire, 101 West Park Ave, Greenville, SC 29601.



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