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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM ANDERSON COUNTY
Alexander S. Macaulay, Circuit Court Judge JUL 25 2016

RECEIVED

SC Court of Appeals

Case No. 2013-CP-04-2409

Hubert Bethune, Respondent,

v.

Waffle House, Inc., Appellant.

**MOTION TO ACCEPT
FILING OUT OF TIME**

The Appellant Waffle House, Inc., respectfully moves this Court to accept the Reply to Respondent's Return to Appellant's Petition for Rehearing for filing out of time.

The Appellant's motion is based on the following grounds:

1. The Respondent's Return to Appellant's Petition for Rehearing was not even received until July 18, 2016

2. The undersigned counsel for the Appellant was unable to complete the preparation of the Reply by the deadline because of an out of town hearing in federal court, out of town depositions, and three final briefs due in the Court of Appeals on July 22, 2016.

3. Counsel has not had an opportunity to consult with opposing counsel; however, because the Respondent requested and received without objection an extension to file his Return to Appellant's Petition for Rehearing, there is no reason to believe that this request will be opposed.

WHEREFORE, the Appellant Waffle House, Inc. respectfully requests that the Court accept the filing of its Reply to Respondent's Return to Appellant's Petition for Rehearing out of time.

DAVIDSON & LINDEMANN, P.A.

BY: 

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Counsel for Appellant Waffle House, Inc.

Columbia, South Carolina

July 25, 2016

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CERTIFICATE OF SERVICE

The undersigned employee of Davidson & Lindemann, P.A., attorneys for the Appellant, does hereby certify that service of the **Motion to Accept Filing Out of Time and Reply to Respondent's Return to Appellant's Petition for Rehearing** was made upon all counsel of record by placing copies in the United States Mail, first class postage prepaid, at the below listed address clearly indicated on said envelope this the 25th day of July 2016:

Rodney M. Brown, Esquire
Rodney M. Brown, P.A.
210 South Main Street
Fountain Inn, South Carolina 29644

