

APPEAL IN A CIVIL CASE
THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas
Michael G. Nettles, Circuit Court Judge

Case No. 2009-CP-07-4592

JEFFREY JOHNSON and KRISTINA JOHNSON, Respondents,

v.

BEAUFORT COUNTY, Appellant.

RECEIVED
OCT 26 2012
SC Court of Appeals

MOTION FOR EXTENSION OF TIME

NOW COMES the Appellant, pursuant to Rules 263(b) and 240(a), SCACR, and respectfully petitions the Court for an extension of time in which to submit the Initial Brief. In support of the motion, the Appellant states as follows:

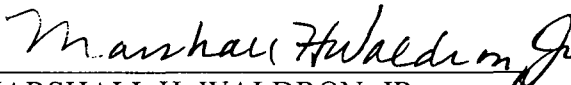
Trial in the instant matter occurred in Beaufort, South Carolina on October 3 and 4, 2011. Following denial of post-trial motions by the trial court, the Appellant filed its Notice of Appeal. The court reporter prepared the transcript of the trial, and undersigned counsel received a copy on August 20, 2012. At the same time, the undersigned was lead counsel in the case of Derrick Dupont v. Jasper County Sheriff's Office, Case No. 2008-CP-27-529, in Jasper County, South Carolina. Counsel spent the week of August 20, 2012 preparing for trial which occurred between August 27 and August 30, 2012. Due to the press of the trial, counsel did not review his mail or other office business. Upon return to his office, counsel did not realize that the transcript

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had been received. The undersigned apologizes to the Court and to counsel for the Respondent and accepts full responsibility for his oversight.

WHEREFORE, the Appellant respectfully requests an extension of 30 days in which to submit the Initial Brief, making the brief due on or before November 23, 2012.

October 23, 2012


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Attorney for the Appellant

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BEAUFORT COUNTY, Appellant.

PROOF OF SERVICE

I certify that on October 23, 2012, I served the Appellant's Motion for Extension of Time on the Respondents by depositing a copy in the United States Mail with postage prepaid and addressed as follows:

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Brown & Brehmer
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Columbia, South Carolina 29202


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MARSHALL H. WALDRON, JR.
MATTHEW D. CAVENDER
certified mediator
also admitted in NC

October 23, 2012

Honorable Jenny Abbott Kitchings, Clerk
South Carolina Court of Appeals
1015 Sumter Street
Columbia, South Carolina 29201

RE: Johnson v. Beaufort County
Appellate Case No. 2012-206486

Dear Clerk Kitchings:

Thank you for your correspondence of October 17, 2012, regarding receipt of the transcript for the case referenced above. I was initially under the impression that I had not received the transcript, but upon review of the file I realized my error. The court reporter delivered it while I was preparing for trial in Jasper County and I was away from my office. I apologize for the oversight. Due to the delivery date of the transcript, I enclose herewith the original and seven copies of the Appellant's motion for an extension of time in which to file the initial brief, proof of service and my check in the amount of \$25.00 for the motion fee. I appreciate your returning a clocked copy of the motion in the self-addressed and stamped envelope provided.

With my thanks, I remain

Sincerely yours,

Marshall H. Waldron, Jr.

MHW:mj

cc: Karl S. Brehmer, Esquire

Enclosures

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