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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**

NOV 17 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.

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

Respdents, through their undersigned counsel, respectfully request that 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:

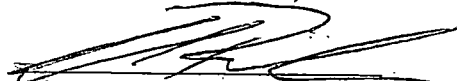
The instant case contains a complicated record which has required careful study and the distillation of which has been time-consuming. In addition, during preparation of the

brief, counsel encountered technical problems that required significant duplication of work that had been previously been completed. Also, Respondents' counsel's time has been necessarily limited because of unforeseen developments in a federal appointed criminal matter over the past two weeks that have required multiple trips to Spartanburg and Cherokee counties.

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

Respectfully Submitted,

**The Read Law Firm, LLC**



John M. Read, IV  
SC Bar No. 12569  
101 West Park Avenue  
Greenville, SC 29601  
(864) 501-5110  
Attorney for Respondents

Greenville, South Carolina  
November 9, 2016

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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Court of Common Pleas

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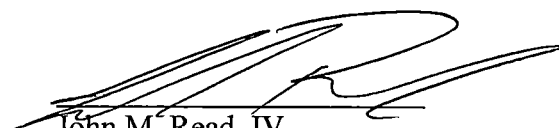
Respondents.

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PROOF OF SERVICE

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I certify that I have served **Respondents' Motion to File Out of Time, Designation of Matter and Initial Brief** on Appellant, by depositing a copy of it *in* the United States Mail, postage prepaid, on November 15, 2016, addressed to its attorney of record, **Joshua Snow Kendrick, Kendrick & Leonard, P.C., 419 Vardry Street, Greenville, SC 29601**

  
John M. Read, IV  
SC Bar No. 12569  
101 West Park Avenue  
Greenville, SC 29601  
(864) 501-5110  
Attorney for Respondents

November 15, 2016

South Carolina Court of Appeals  
V. Claire Allen, Deputy Clerk  
PO Box 11629  
Columbia, SC 29211

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**SC Court of Appeals**

Re: Respondents' Motion to File Out of Time,  
Designation of Matter and Initial Brief  
Check First v. Merchant Services  
Appellate Case No 2015-001744

Dear Ms. Allen:

Enclosed please find the original Respondent's Respondents' Motion to File Out of Time, Designation of Matter and Initial Brief and a copy, along with a check for \$25.00. Please return a stamped copy in the enclosed self-addressed envelope, for our records.

Thank you very much for your assistance. If you have any questions or concerns please do not hesitate to contact my office.

Sincerely,



Jack Read

Enclosures

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NOV 17 2016  
SC Court of Appeals

READ LAW

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Greenville, SC 29601



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