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THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

**RECEIVED**

JAN 09 2017

SC Court of Appeals

APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas  
L, Casey Manning, Circuit Court Judge  
Trial Court Case No. 2011-CP-40-01320

Appellate Case No. 2016-000213

Delories Jenkins,

Respondent,

v.

Refuge Temple Church Of God In Christ, Inc., and Wayne Penn, Sr., Daniel Ward, Jr., James A. Tucker and Eronda Jackson, Individually and as Members of the Board of Directors of Refuge Temple Church Of God In Christ, Inc.,

Defendants,

of whom

Refuge Temple Church Of God In Christ, Inc., is

Appellant.

MOTION TO FILE FINAL BRIEF OUT OF TIME

Respondent, Delories Jenkins, through her undersigned attorney, hereby respectfully moves for leave to file her Final Brief out of time. Good cause exists in that the Record on Appeal, Reply Brief and Final Brief were not served on Respondent until January 5, 2017. Despite the assertion in Appellant's Certificate of Service, dated December 16, 2016, Respondent did not receive the Record on Appeal until January 6, 2017. Further, Respondent did not receive Appellant's Motion To File Reply Brief Out Of Time until January 6, 2017.

Obviously, Respondent could not complete the work necessary on her Final Brief until receiving a copy of the Record on Appeal, which was not received until Friday, January 6, 2017.

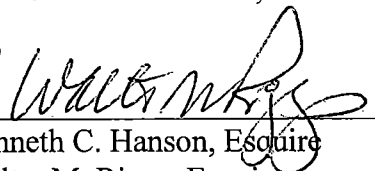
The letter of Appellant's counsel, dated January 5, 2017, reflects that Appellant served its Final Brief and Reply Brief on Respondent on that date. Respondent submits that this is when the Record on Appeal was finally served. Said letter is attached to this motion and made a part thereof. Again, Respondent's position is that the Record on Appeal was not served until January 5, 2017.

Further, Respondent's counsel received a phone call from Appellant's counsel on January 4, 2017 wherein Appellant's counsel inquired if they had received the Record on Appeal. Upon learning that we had not, Appellant's counsel indicated that there would be no objection to our seeking an extension of time or leave to file Respondent's Final Brief due to lack of service. Appellant's counsel indicated that he would agree that we, Respondent, had not been served the Record on Appeal in time commensurate with the SCACR.

Thus, this belated filing is through no fault of the Respondent. Pursuant to SCACR 211 (a), Respondent has twenty (20) days after service of the Record on Appeal to file its Final Brief. Having not been served the Record on Appeal until January 5, 2017, Respondent should have until January 25, 2017 to file its Final Brief. However, in order to prevent any further delay, Respondent has submitted her Final Brief today to printers for printing and binding. Respondent anticipates being able to file and serve the Final Brief within a day or two.

Respectfully submitted,  
HANSON LAW FIRM, P.A.

January 9, 2017

  
Kenneth C. Hanson, Esquire  
Walter M. Riggs, Esquire  
6156 St. Andrews Road, Suite 101  
Columbia, South Carolina 29212  
Phone: (803) 798-9446  
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ATTORNEYS FOR RESPONDENT



MURPHY & GRANTLAND, P.A.

Peter E. Farr  
Direct dial 803-454-1234  
pfarr@murphygrantland.com

January 5, 2017

**VIA HAND DELIVERY**

Jenny A. Kitchings  
South Carolina Court of Appeals  
1205 Pendleton St.  
Columbia, SC 29211

RECEIVED  
JAN 09 2017  
SC Court of Appeals

Re: Delories Jenkins v. Refuge Temple Church of God, Inc., Wayne Penn, Sr., Daniel Ward, Jr., James A. Tucker, Eronda Jackson, Ind. and as Members of the Board of Directors of Refuge Temple Church of God in Christ, Inc.

Civil Action No.: 2011-CP-40-1320  
Appellate Case No: 2016-000213  
Claim No.: 36042  
Insured: Refuge Temple Church of God in Christ, Inc.  
Our File No.: 1360-0072

Dear Ms. Kitchings:

Enclosed please find herewith for filing with the Court the original and nineteen (19) copies of Final Brief of Appellant and the Final Reply Brief in the above-referenced matter. I would appreciate your filing the original and returning the clocked copies to me by individual delivering same.

By copy of this letter I am serving same on opposing counsel. If you have any questions, please feel free to contact me.

With warm personal regards, I am

Very truly yours,

Peter E. Farr

PEF/ljb

Enclosures

cc: Walter M. Riggs, Esquire

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas  
L, Casey Manning, Circuit Court Judge  
Trial Court Case No. 2011-CP-40-01320

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Appellate Case No. 2016-000213

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Delories Jenkins,

Respondent,

v.

Refuge Temple Church Of God In Christ, Inc., and Wayne Penn, Sr., Daniel Ward,  
Jr., James A. Tucker and Eronda Jackson, Individually and as Members of the Board  
of Directors of Refuge Temple Church Of God In Christ, Inc.,

Defendants,

of whom

Refuge Temple Church Of God In Christ, Inc., is

Appellant.

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CERTIFICATE OF  
SERVICE

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I, the undersigned employee of Hanson Law Firm, P.A., do hereby certify that I have served the following documents in the above referenced matter with the following by depositing same in the United States Mail, postage paid and addressed as follows:

- DOCUMENTS:
- (1) Appellant's Motion To File Final Brief Out of Time
  - (2) Certificate of Service

COUNSEL SERVED:

Peter E. Farr, Esquire  
Murphy & Grantland, PA  
Post Office Drawer 6648  
Columbia, South Carolina 29260  
Attorney for Appellants

January 9, 2017

*Marie D. Weatherford*

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January 9, 2017

Honorable Jenny Abbott Kitchings  
Clerk of the South Carolina Court of Appeals  
1220 Senate Street  
Columbia, South Carolina 29211  
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JAN 09 2017

SC Court of Appeals

Re: Delories Jenkins vs. Refuge Temple Church of God, Inc.  
Appellate Case No.: 2016-0001320

Dear Ms. Kitchings:

Please find enclosed for filing and consideration the Respondent's Motion To File The Final Brief Out Of Time in the above referenced appellate matter. Also enclosed is our check in the amount of Twenty-Five and No/100 (\$25.00) Dollars to cover the motion's filing fee.

In closing, we thank you for your consideration of this request. Please do not hesitate to call me if you have any questions regarding this matter.

Sincerely yours,

Walter M. Riggs

Enclosures

cc: Peter E. Farr, Esquire  
Attorney for Appellant