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THE STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
9th Circuit Court of Common Pleas
R. Markley Dennis, Circuit Court Judge

RECEIVED

JAN 26 2017
SC Court of Appeals

Civil Case No. 2013-CP-10-6019
Appeal, 2016-001035

Jack Powell, Appellant,

v.

Knology of Charleston Inc. Respondent,

MOTION FOR LEAVE TO FILE OUT OF TIME

Pro se Appellant, Jack Powell
1402 Camp Road unit 8-A
Charleston S.C. 29412
(843)952-4762

Mcangus, Goudelock & Courie
735 Johnnie Dodds Blvd.
Mt. Pleasant, S.C. 29464
Attorney, Benjamin Davis

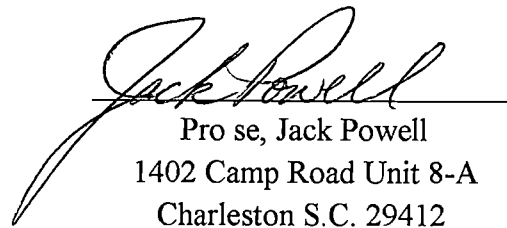
Pro se Appellant Jack Powell files this motion pursuant 240 SCACR because the Court of Appeals office stated the Pro se's response to Respondents Return in Opposition to Motion for Relief of Judgment was untimely. According to the Respondents Return they included a proof of service dated Dec. 20th 2016. Appellant submits because of the date so close to Christmas, the expectation of the Pro se to respond within 10 days was impossible considering the following;

1. Pro se called the Clerks Office on Jan 4th 2017 at 10:06 a.m. and spoke to his handler Elizabeth Carter and explained to her he had been watching their postings thru Christmas and the Respondents Return in Opposition to Motion for Relief of Judgment wasn't posted until Jan 3rd and this was when the Pro se was first notified about their Return in Opposition. She said the postings were backed up because of the Holidays.

2. Appellant had also explained to her that he had not received a copy in the mail from the Respondent and she stated the Pro se could mail his Response, but he may have to file a motion to file out of time.

Therefore, the Pro se Appellant request the Honorable Court to accept this Motion for Leave to File Out of Time.

Jan. 24th 2017


Pro se, Jack Powell
1402 Camp Road Unit 8-A
Charleston S.C. 29412

cc; V. Claire Allen
Attorney; Benjamin Davis
Helen Hiser

FORM 7
PROOF OF SERVICE FOR REQUEST
LEAVE TO FILE OUT OF TIME

THE STATE OF SOUTH CAROLINA
In The Court of Appeals
[In The Supreme Court]

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SC Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

R. Markley Dennis, Circuit Court Judge

Appeal No. 2016-001035

Jack Powell,

Appellant

v.

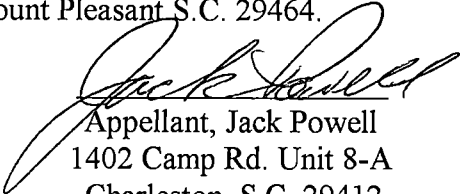
Knology of Charleston Inc.

Respondent

PROOF OF SERVICE

I certify that I have served this motion requesting the court to accept the Pro se's response to Respondents return in opposition to Appellants motion for relief of judgment out of time and also mailed the motion by USPS on Jan. 24th 2017. Addressed to the attorney of record; Benjamin Davis and Helen Hiser of Mcangus, Goudelock and Courie located at 735 Johnnie Dodds Blvd. ste. 200 Mount Pleasant S.C. 29464.

Jan. 24th, 2017


Appellant, Jack Powell
1402 Camp Rd. Unit 8-A
Charleston, S.C. 29412
(843) 952-4762

cc; V. Claire Allen, Deputy Clerk
Att. Benjamin Davis/Helen Hiser

Jan. 24th 2017

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, S.C. 29211

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JAN 26 2017

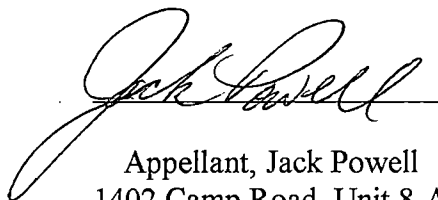
SC Court of Appeals

RE; Jack Powell v Knology of Charleston Inc.
Appellate case no; 2016-001035

Dear Ms. Kitchings,

This is Pro se, Appellant Jack Powell in the above case 2016-001035 and I have enclosed my \$25 money order for my motion for leave to file out of time, concerning my response to Respondents return in opposition to motion for relief of judgment.

Jan. 24th, 2017



Appellant, Jack Powell
1402 Camp Road, Unit 8-A
Charleston, S.C. 29412
(843)952-4762

cc; V. Claire Allen/Deputy Clerk
Att. Benjamin Davis/Helen Hiser

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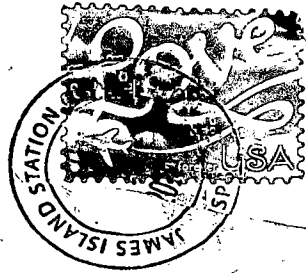
JAN 26 2017

SC Court of Appeals

A 25

money order

1402 Camp Rd. Unit 8-A
Charleston, SC 29412



South Carolina Court of Appeals
P.O. Box 11629
Columbia, S.C. 29211

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JAN 26 2017
SC Court of Appeals

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