

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

D. Garrison Hill, Circuit Court Judge
John C. Few, Circuit Court Judge

Case No. 06-CP-23-4637

RECEIVED
NOV 26 2012
SC Court of Appeals

The South Carolina Public Interest Foundation, and Edward D. Sloan, Jr.,
individually and on behalf of all others similarly situated,.....Respondents,

v.

Greenville County, Herman G. Kirven, Jr., Judy Gilstrap, Eric Bedingfield, Jim
Burns, Scott Case, Joseph Dill, Cort Flint, Lottie Gibson, Mark Kingsbury,
Xanthe Norris, Robert Taylor and Tony TroutAppellants.

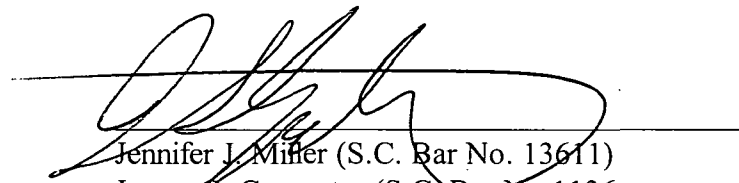
**PETITION TO FILE RESPONDENTS' REPLY TO APPELLANT'S
RETURN TO PETITION FOR REHEARING AND SUGGESTION
FOR REHEARING *EN BANC* OUT OF TIME**

Respondents hereby petition this Court pursuant to SCACR 234(b) to file
Respondent's Reply to Appellant's Return to Petition for Rehearing and Suggestion for Rehearing
En Banc seven days out of time. Appellant's counsel, Boyd Nicholson, has given his consent to
this Petition on behalf of Appellants. This petition is based upon appellant's immediate good faith
effort at first notice to remedy this tardiness in serving the Reply.

Respondents certainly regret this oversight and the inconvenience it has caused the Court
and the Clerk and requests the Court's forbearance to allow Appellant to file this Reply out of
time.

Should the Court grant Appellant's Petition, counsel certifies that he will promptly "provide material that complies with the Rules and facilitates appellate review." *Henning v. Kaye*, 307 S.C. 436, 415 S.E. 2d 794 (1992). Accordingly, Appellant asks the Court to reinstate the appeal in this case.

November 20, 2012

A handwritten signature in black ink, appearing to read "J. Miller", is written over a horizontal line. The signature is fluid and cursive.

Jennifer J. Miller (S.C. Bar No. 13611)
James G. Carpenter (S.C. Bar No. 1136)
THE CARPENTER LAW FIRM, PC
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Attorney for Appellants

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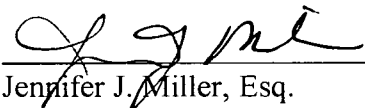
v.

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PROOF OF SERVICE

I certify that I have served Respondent's Reply to Appellant's Return to Petition for Rehearing
and Suggestion for Rehearing *En Banc* Out of Time upon the Appellant by first class mail,
postage prepaid addressed

Boyd B. Nicholson, Esq.
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