

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM DORCHESTER COUNTY  
Court of Common Pleas

Thomas L. Hughston, Circuit Court Judge

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2015-CP-18-1308

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Adrian Smalls,

Respondent,

v.

Brenda Lee Barnett,

Appellant.

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APR 18 2017

SC Court of Appeals

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APPELLANT'S REPLY  
TO RESPONDENT'S RETURN  
TO THE MOTION TO FILE FOR REINSTATEMENT  
OUT OF TIME

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**NOW COMES** undersigned counsel and submits the foregoing Reply to Respondent's Return to Appellant's Motion to file for Reinstatement Out of Time.

The grounds for the extension are prevailing and have merit, to wit:

- a) Appellant's counsel suffers from, among other things, a heart condition and disease that can be debilitating.
- b) Appellant's counsel can document these matters to the Court if so required in redacted form, in camera if such is required.
- c) Respondent's Counsel has questioned the integrity of Appellant's motion mainly because of reference to an email in which undersigned counsel reviewed and approved a court order. First, reference to a single email does not make the Motion or the health issues presented

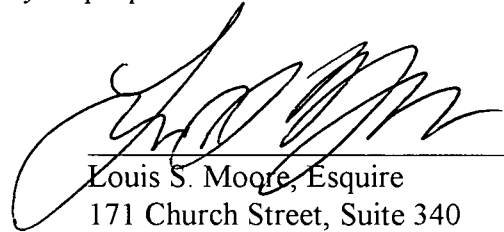
meritless or wanton. Second, a review of a 2 page court order is a far different exercise in practicing law than the assembling of a record on appeal which requires far greater detail and attention.

- d) Appellant is agreeable to the payment of a bond should the Appeal be reinstated by this court. No prejudice would obtain against the Respondent in that context.

WHEREFORE, undersigned counsel prays this court will grant relief to the Petitioner by:

1. Issue an Order Reinstating the Appeal.
2. An Order granting thirty (30) days in which to do said filing of the Record on Appeal.
3. Rescind or Stay Execution of the Remittitur.
4. And for such other relief that may be proper.

Submitted by:  
This 12<sup>th</sup> day of April 2017.



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Louis S. Moore, Esquire  
171 Church Street, Suite 340  
Charleston, South Carolina 29401  
(443) 469-4635  
(843) 410-9496  
Attorney for Appellant

Other Counsel of Record:  
Kevin D. Hackler, Esquire  
Theron W. Sandy II, Esquire  
Attorneys for Respondent  
3 Broad Street, 2d Floor  
Charleston, South Carolina 29401

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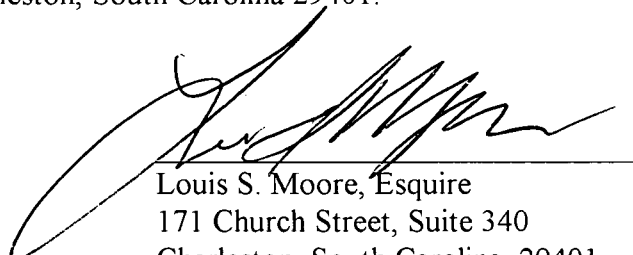
Brenda Lee Barnett,

Appellant.

PROOF OF SERVICE

I certify that I have served the foregoing REPLY TO RESPONDENT'S RETURN TO APPELLANT'S MOTION TO FILE FOR REINSTATEMENT OF APPEAL OUT OF TIME upon the Respondent by depositing a copy of it in the United States Mail, postage prepaid, on 11th day of April 2017 addressed to his attorneys of record, Kevin D. Hackler and Theron W. Sandy, II 3 Broad Street, 2d Floor, Charleston, South Carolina 29401.

11<sup>th</sup> day of April 2017.



Louis S. Moore, Esquire  
171 Church Street, Suite 340  
Charleston, South Carolina 29401  
(443) 469-4635  
Attorney for Appellant

THE MOORE LAW FIRM, LLC

Of Charleston

April 11, 2017

The Honorable Jenny Abbott Kitchings

Clerk, South Carolina Court of Appeals

Post Office Box 11629

Columbia, South Carolina 29211

RE: Adrian Smalls, Respondent vs Brenda Lee Barnett, Appellant,

Case No. 2016-000100

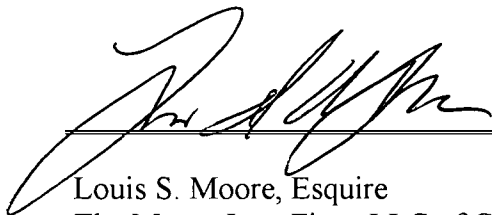
Withdrawal of Motion to Be Relieved

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Dear Ms. Kitchings:

Enclosed please find Appellant's Reply to Respondent's Return to Appellant's Motion to Reinstate the Appeal Out of Time.

If you have any added questions or concerns, I can be reached at 843.471-0174 or 443.469-4635.



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**Other Counsel of Record:**

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Chas SC 29441

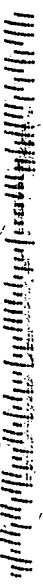
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SC Court of Appeals

Hon. Jenny Abbott Kitchens  
Clerk, SC Court of Appeals  
PO Box 11629  
Columbia, SC 29211

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