

THE LAW OFFICE OF
Natasha M. Hanna, P.C.

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VIA FAX 803.734.1839 AND U.S. MAIL

April 20, 2017
Jenny Abbott Kitchings
Clerk of Court
The South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

RECEIVED

APR 20 2017

SC Court of Appeals

Re: Rabon & Rabon, Inc. v. Karon Mitchell
Appellate Case No. 2016-000522

Dear Ms. Kitchings:

This appeal should be dismissed, as this Court unequivocally stated it would be in the Court's letter of March 24, 2017. In granting Appellants second motion for an extension to serve the Record on Appeal, this Court stated that the time to serve would be extended until March 20, 2017, and advised Appellants that "No further extensions will be granted absent extraordinary circumstances." (Exhibit A).

Appellants did not serve the Record on Appeal by the March 20 deadline. (Exhibit B stating "Our records reflect that the time for serving the record on appeal and filing a proof of service has expired."). Graciously, this Court gave Appellants ten more days to serve and file in its letter of March 24. (Exhibit B). The Court's March 24 letter concluded by stating "Failure to comply with the Court's request will result in the dismissal of this appeal." (Exhibit B).

Appellants failed to comply with the Court's request, as it is now 17 days past the end of the ten day grace period – and 30 days past the second extended deadline of March 20, 2017 – and Appellants have yet to serve the Record on Appeal. Instead, Appellants presented yet a third motion for an extension on April 6, 2017 (Exhibit C) – three days after the date on which this Court stated the appeal would be dismissed, and seventeen days after the Record on Appeal was due. Moreover, Appellant's Motion does not cite any extraordinary circumstances, despite this Court's clear instruction that no further extensions would be granted without them.

Six times Appellants have moved this Court for extensions, three of which were for the Record on Appeal. (Exhibit D). Appellants filed their latest motion for an extension seventeen days after the deadline has passed and three days after the date on which this Court stated the appeal would be dismissed. Accordingly, this appeal should be dismissed. Appellants have had more than their share of "last chances," all to the prejudice of Respondents whose ability to collect on their judgment against Appellants decreases with each and every day that Appellants continue to delay these proceedings.

The Record on Appeal is now one month overdue, and Respondents respectfully request that this Court now dismiss this appeal in fairness to the parties and in accordance with the Court's letter of March 24, 2017.

Best regards,



Lane D. Jefferies

cc: V. Clair Allen
Henrietta U. Golding
Tucker S. Player

Exhibit A

The South Carolina Court of Appeals

Rabon & Rabon, Inc., Respondent,

v.

Karon Mitchell and Kyle Mitchell, Appellants.

Appellate Case No. 2016-000522

The Honorable Benjamin H. Culbertson
Horry County
Trial Court Case No. 2014CP2607862

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APR 20 2017

SC Court of Appeals

ORDER

The time for serving the record on appeal and filing a proof of service is hereby extended until March 20, 2017. No further extensions will be granted absent extraordinary circumstances.

FOR THE COURT

BY

Jay A. Kite
CLERK

Columbia, South Carolina

FILED

February 21, 2017

cc:

Tucker S. Player, Esquire
Henrietta U. Golding, Esquire
Lane Douglas Jefferies, Esquire

Exhibit B



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1880
FAX: (803) 734-1839
www.sccourts.org

March 24, 2017

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APR 20 2017

SC Court of Appeals

Mr. Tucker S. Player, Esquire
1415 Broad River Rd.
Columbia SC 29210

Re: Rabon & Rabon, Inc. v. Karon Mitchell
Appellate Case No. 2016-000522

Dear Counsel:

Our records reflect that the time for serving the record on appeal and filing a proof of service has expired. Within ten (10) days of the date of this letter, you must serve the record on appeal and file a proof of service, along with a motion requesting permission to file outside of the filing deadline set by Rule 210(a) of the South Carolina Appellate Court Rules. Failure to comply with the Court's request will result in the dismissal of this appeal.

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: Henrietta U. Golding, Esquire
Lane Douglas Jefferies, Esquire

EXHIBIT C
8299U

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APR 20 2017

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals
APPEAL FROM Horry COUNTY
Court of Common Pleas
BENJAMIN H. CULBERTSON, CIRCUIT COURT JUDGE

Case No. 2014-CP-26-07862

RECEIVED

APR 06 2017

SC Court of Appeals

RABON & RABON, INC.,

Respondent,

vs.

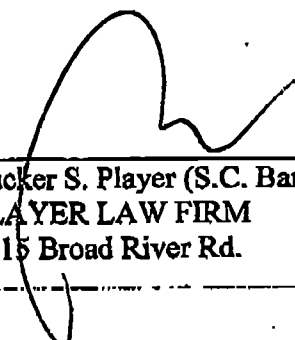
KARON MITCHELL AND KYLE MITCHELL,

Appellants.

APPELLANTS' MOTION FOR EXTENSION OF TIME TO FILE AND SERVE FINAL BRIEFS AND RECORD ON APPEAL

Appellants move this Court to allow an extension of time to file and serve the Final Briefs and Record on Appeal. Counsel for Appellants was in trial during the week of March 27, 2017 and is scheduled to travel out of state during the week of April 10, 2017 for family vacation. This is the first request for an extension of this particular deadline and no party will be prejudiced by this extension. Appellants request a 20 day extension, thereby making the deadline April 30, 2017.

This 8th day of April, 2017.


Tucker S. Player (S.C. Bar No. 16217)
PLAYER LAW FIRM
1415 Broad River Rd.

Columbia, SC 29210
(803) 772-8008

Attorney for Appellants

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APR 20 2017

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

BENJAMIN H. CULBERTSON, CIRCUIT COURT JUDGE

Case No. 2014-CP-26-07862

RABON & RABON, INC.,

Respondent,

v.

KARON MITCHELL AND KYLE
MITCHELL,

Appellants.

RECEIVED

APR 06 2017

SC Court of Appeals

CERTIFICATE OF SERVICE

This is to certify that I, Elvy Diaz, Legal Secretary, served a copy of the APPELLANTS' MOTION FOR EXTENSION OF TIME to FILE AND SERVICE FINAL BRIEFS AND RECORD ON APPEAL upon the following parties by depositing said copy in the US Mail with adequate postage affixed, at the following address:

Henrietta Golding, Esq.
McNair Law Firm
2411 Oak Street, Ste. 206
Myrtle Beach, SC 29577


Elvy Diaz

April 6, 2017
Columbia, South Carolina

EXHIBIT B

South Carolina Appellate Case Management System

C-Track, the browser based CMS for Appellate Courts

Appellate Case No. ...

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SUPREME COURT
COURT OF APPEALS

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Participant Search

Disclaimer: The information and documents available here should not be relied upon as an official record of action. Only filed documents can be viewed. Some documents received in a case may not be available for viewing. Some documents originating from a lower court, including records and appendices, may not be available for viewing.

Case Information: 2016-000522

Court:	Court of Appeals	Classification:	Appeal - Common Pleas - Other
Short Title:	Rabon & Rabon, Inc. v. Karon Mitchell View Full Title	Case Status:	Final Briefing / Record
Consolidated:		RECEIVED	
Filed Date:	03/10/2016	Oral Argument Date:	APR 20 2017
Disposition Date:		Disposition Type:	SC Court of Appeals
Remittitur Date:			
Lower Court or Tribunal:	Horry (2014CP2607862)		

- Party Information

Appellate Role	Party Name	Former	Attorney(s)
Appellant	Karon Mitchell	N	Tucker S. Player
Appellant	Kyle Mitchell	N	Tucker S. Player
Respondent	Rabon & Rabon, Inc.	N	Henrietta U. Golding Lane Douglas Jefferies

Views



















Display: Go!

Event Information

Filed Date	Event Information	Doc
04/10/2017	Correspondence - Outgoing (Court declines to act on motion for extension)	
04/07/2017	Correspondence - Outgoing (Returning check to counsel)	
04/06/2017	Motion - Other Motion to amend designation of matter to be included in the record on appeal	
04/06/2017	Motion - Extension of Time (3rd - to serve and file the record on appeal)	
03/24/2017	Correspondence - Outgoing (Request for motion for proposed amended designation of matter)	
03/24/2017	Correspondence - Outgoing (record on appeal overdue letter)	
03/21/2017	Correspondence - Incoming (proposed amended designation of matter)	
02/21/2017	Non-Dispositional Decision - Extension Granted	
02/17/2017	Motion - Extension of Time (2nd - to serve and file the record on appeal)	
01/20/2017	Non-Dispositional Decision - Extension Granted	
01/19/2017	Correspondence - Incoming (Motion fee)	
01/18/2017	Motion - Extension of Time (1st - serve and file the record on appeal)	
12/21/2016	Correspondence - Outgoing (Unbound Originals letter)	
12/21/2016	Deficiency - Deficiency Letter Sent regarding initial reply brief	
12/20/2016	Initial Brief - Reply	
12/02/2016	Deficiency - Deficiency Letter Sent regarding respondents initial brief	
12/01/2016	Non-Dispositional Decision - Extension Granted	
11/30/2016	Motion - Extension of Time (1st - appellants initial reply brief)	
11/28/2016	Designation of Matter - Designation of Matter Filed by Respondent	
11/28/2016	Initial Brief - Respondent	
10/26/2016	Non-Dispositional Decision - Extension Granted	
10/25/2016	Motion - Extension of Time (1st - respondents initial brief)	

4/20/2017

2016-000522: Case View

09/23/2016	Non-Dispositional Decision - Order	
08/11/2016	Motion - Return (AMENDED)	
08/02/2016	Motion - Return to motion to dismiss	
07/22/2016	Non-Dispositional Decision - Extension Granted	
→ 07/21/2016	Motion - Extension of Time (1st - return to motion to dismiss)	
07/13/2016	Motion - Dismiss filed by Respondent, Rabon & Rabon, Inc.	
06/22/2016	Deficiency - Correction regarding certificate of counsel	
06/16/2016	Deficiency - Deficiency Letter Sent regarding certificate of counsel	
06/13/2016	Designation of Matter - Designation of Matter Filed by appellant	
06/13/2016	Initial Brief - Appellant	
05/12/2016	Non-Dispositional Decision - Extension Granted	
→ 05/11/2016	Motion - Extension of Time (1st - appellants initial brief)	
04/15/2016	Non-Dispositional Decision - Order	
04/13/2016	Transcript Documents - Transcript Delivered - Direct Appeal (date transcript was received is stated in the motion)	
04/13/2016	Transcript Documents - Transcript Ordered	
04/13/2016	Motion - Allow Late ordering of transcript	
04/04/2016	Correspondence - Outgoing (ordering transcript - overdue)	
03/14/2016	Correspondence - Outgoing - Initial Letter	
03/10/2016	Notice of Appeal (Civil) - Initial	