

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CALHOUN COUNTY
Court of Common Pleas

Richard B. Ness, Special Referee

RECEIVED

MAY 16 2017

SC Court of Appeals

Bonnie Rillery, Appellant,

vs.

Michael Outlaw, Respondent.

Case No. 2013-CP-09-00083
Appellant Case No. 2016-001867

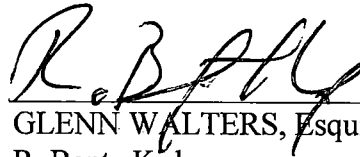
MOTION TO INCLUDE THE REPLY TO COUNTERCLAIM
IN THE RECORD ON APPEAL AND TO EXTEND
TIME TO FILE RECORD ON APPEAL

Comes now the Appellant by and through her undersigned attorneys and hereby represents to this Honorable Court as follows:

1. The Record on Appeal is due to be filed on or before May 22, 2017.
2. The Undersigned has discovered that the Reply to the Counterclaim was a document which was not among the documents designated to be in the Record by either party. Additionally, the Court is requested to grant an extension to the time to file the Record on Appeal in order to incorporate the Reply.
3. The undersigned has communicated with counsel for the Respondent and he has agreed to have the Reply to Counterclaim included in the Record on Appeal.
4. A copy of the email communication from both the attorney indicating his consent is attached hereto and incorporated herein by reference.
5. Therefore, the Appellant hereby moves this court for an Order allowing the Reply to the Counterclaim to be included in the Record on Appeal and to extend the time to file the Record on

Appeal by a reasonable period to allow the Record to be compiled, filed and served..

Respectfully submitted, this the 16th day of May, 2017.

A handwritten signature in black ink, appearing to read "R. B. Kirby", written over a horizontal line.

GLENN WALTERS, Esquire

R. Bentz Kirby

1910 Russell Street (29115)

Post Office Box 1346

Orangeburg, SC 29116

Phone: 803 531-8844

Fax: 803 531-3628

Attorney for Appellant



R Bentz Kirby <rbk.glennwalterspa@gmail.com>

Reply to Counterclaim

3 messages

R Bentz Kirby <rbk.glennwalterspa@gmail.com>

Mon, May 15, 2017 at 5:30 PM

To: Russell Blanchard <blanchardra@williamsattys.com>, Glenn Walters <glennwalterspa@gmail.com>, Henry Youmans <hyoumans@gwalterspa.com>

Russell:

While preparing the Record on Appeal I noticed that Glenn did not designate the Reply to the Counterclaim to be included in the Record. I should make a Motion to allow it to be included. I would like to be able to confirm to the Court of Appeals that you consent to the Motion. If so, please indicate your consent by replying to this email. Thank you,

Bentz

--

R. Bentz Kirby, Sr.

Phone 803-531-8844

Fax 803-531-3628

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Russ Blanchard <blanchardra@williamsattys.com>

Mon, May 15, 2017 at 5:34 PM

To: R Bentz Kirby <rbk.glennwalterspa@gmail.com>

Cc: Glenn Walters <glennwalterspa@gmail.com>, Henry Youmans <hyoumans@gwalterspa.com>

I will consent to adding the Reply to the Counterclaim to the Record. I have been out sick today, but when I get back into the office I will look and see if I filed a Designation of Matters on Appeal.

Russ

[Quoted text hidden]

--



R Bentz Kirby <rbk.glennwalterspa@gmail.com>

Mon, May 15, 2017 at 6:23 PM

To: Russ Blanchard <blanchardra@williamsattys.com>

Thank you Russell. Get well quickly. I do not know of any other document you could have designated but I will not file the Record until I have conferred with you.

Bentz

[Quoted text hidden]

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on May 16, 2017, he served the Motion to Include the Reply to Counterclaim in the Record and requesting an Extension of Time to File the Record on appeal on counsel for the Respondent by placing a copy in the United States Mail, postage fully paid and addressed to the following:

Russel A Blanchard IV
PO Box 1084
Orangeburg, SC 29116-1084



R. Bentz Kirby
Attorney for Appellant

**GLENN WALTERS
ATTORNEY AT LAW, P. A.**

1910 RUSSELL STREET • POST OFFICE BOX 1346 • ORANGEBURG, S.C. 29116
TELEPHONE: (803) 531-8844 • FACSIMILE: (803) 531-3628

Glenn Walters, Sr.
R. Bentz Kirby, Retired and Of Counsel

May 16, 2017

The Hon. Jenny Abbott Kitchings
Clerk of Court
SC Court of Appeals
P.O. Box 11629
Columbia, SC 29211

RECEIVED

MAY 16 2017

SC Court of Appeals


Re: Riley v Outlaw
Appellant Case No. 2015-002174

Dear Ms Kitchings:

Enclosed you will please find the Appellant's Motion to Include the Reply to Counterclaim in the Record on Appeal and for an Extension of Time to File the Record on Appeal to include this pleading, together with a Certificate of Service and our payment of the \$25.00 filing fee. Please file the originals and return the copy to us in the stamped, self-addressed envelope provided for your convenience. The attorney for the Respondent has consented to the Inclusion of the Documents and Extension of Time and a copy of his email confirming the same is attached to the Motion. Also, please indicate the date and time of filing. You may call me at 803-413-5676 with any questions.

With kind regards, we are

Yours very truly,


Glenn Walters
R. Bentz Kirby

cc: Russell A Blanchard IV

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