

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Robin B. Stillwell, Circuit Court Judge

Appellate Case No. 2016-000548
Case No. 2013-CP-23-6522

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JUN 09 2017

SC Court of Appeals

Madel C. Rivero, as Personal Representative for the
Estate of Lilia Lorena Blandin,

Respondent,

v.

Sheriff Steve Loftis, in his capacity as
Sheriff of Greenville County,

Appellant.

**MOTION TO ACCEPT
FILING OUT OF TIME**

The Appellant Steve Loftis, respectfully moves this Court to accept the Initial Reply Brief and Appellant's Desingation of Matter to be Included in the Record on Appeal for filing out of time.

The Appellant's motion is based on the following grounds:

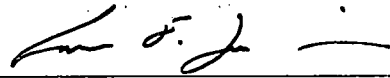
1. The Appellant's Initial Reply Brief and Appellant's Designation of Matter to be Included in the Record on Appeal were due to be filed by June 1, 2017.

2. The undersigned counsel for the Appellant Sheriff Steve Loftis was unable to complete the preparation of the Initial Reply Brief and Appellant's Designation of Matter to be Included in the Record on Appeal by that date for a number of reasons including primarily an illness for over two weeks in late May that caused counsel to cut back substantially on work time. In addition, the undersigned counsel then had another brief due in the Court of Appeals on June 2, 2017 in the case of *Farr v. Lott* (Appellate Case Number 2016-002503), as well as a brief due in the Third Circuit Court of Appeals on June 6, 2017, in addition to other obligations.

3. The Respondent received a total of four 30-day extensions without objection making her Initial Brief due by April 28, 2017. The Respondent ultimately served her Initial Brief out of time on May 1, 2017. That brief was accepted out of time by Order filed May 16, 2017. The Appellant's counsel seeks the same courtesies under the circumstances described herein. It is not anticipated that Respondent's counsel will object to the relief requested.

WHEREFORE, the Appellant respectfully requests that the Court accept the filing of his Initial Reply Brief and Appellant's Designation of Matter to be Included in the Record on Appeal out of time.

DAVIDSON & LINDEMANN, P.A.

BY: 

ANDREW F. LINDEMANN
1611 Devonshire Drive
Post Office Box 8568
Columbia, South Carolina 29202
(803) 806-8222

Counsel for Appellant

June 7, 2017

CERTIFICATE OF SERVICE

The undersigned employee of Davidson & Lindemann, P.A., counsel for the Appellant, does hereby certify that service of the **Motion to File Initial Reply Brief Out of Time** in the above-captioned matter was made upon all counsel of record by placing copies in the United States Mail, first class postage prepaid, at the below listed addresses clearly indicated on said envelopes this the 7th day of June 2017:

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June 7, 2017

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

RE: Madel C. Rivero, as Personal Representative for the Estate of Lilia Lorena Blandin v.
Sheriff Steve Loftis, in his capacity as Sheriff of Greenville County
Appellate Case Number: 2016-000548
Civil Action Number: 2013-CP-23-6522
Claim Number: 03841
Our File Number: 104.9842

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SC Court of Appeals

Dear Ms. Kitchings:

Please find enclosed for filing the original and seven copies of the **Motion to File Initial Reply Brief Out of Time** in the above referenced matter. Please file the original and return a clocked-in copy to me in the enclosed envelope. I have also enclosed my firm's \$25.00 check for the filing fee.

By copy of this letter, I am serving copies on all counsel of record. Thank you for your assistance in this matter.

Sincerely,

DAVIDSON & LINDEMANN, P.A.



Andrew F. Lindemann

AFL/jmb
Enclosures

The Honorable Jenny Abbott Kitchings
June 4, 2017
Page Two

cc: (w/ Enclosure)

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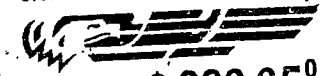
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SC Court of Appeals

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