

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM YORK COUNTY

Court of Common Pleas

S. Jackson Kimball

Special Circuit Court Judge

Case No. 2016-CP-46-03212

David Dysart,

Appellant,

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v.

SEP 06 2017

Andy Lee Rayburn

Respondent.

SC Court of Appeals

MOTION TO EXTEND TIME TO FILE THE INTITIAL BRIEF

Carrie Hailman O'Brien
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Attorneys for Appellant

✓

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Fountain Park Place
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PO Box 707
Rock Hill, SC 29731
(803) 366-3388/(803) 324-3768 (F)
Attorney for Respondent

COMES NOW Appellant David Dysart and moves this Honorable Court for an extension of time to file Appellant's initial brief pursuant to Rule 263 of the South Carolina Rules of Appellate Procedure.

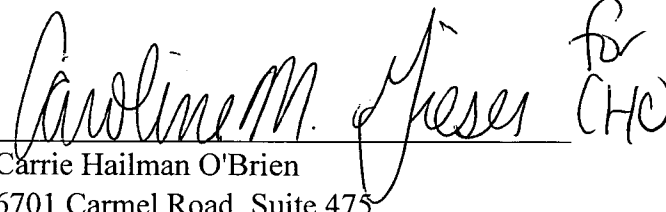
Rule 263 of the South Carolina Rules of Appellate Procedure permits a party to make a motion for extension of time for any part of the appellate process other than serving the notice of appeal. S.C. R. APP. P. 263. The extension of time must be sought before time for the action for which the extension is sought has expired. See generally Southland Mobile Homes, Inc. v. Assocs. Fin. Servs. Co., 270 S.C. 525, 526, 244 S.E.2d 211 (1978).

Appellant's initial brief is due on September 7, 2017, and thus, this motion to extend time is timely.

Appellant seeks an extension of time of thirty (30) days to permit additional research and investigation into novel issues of law, which are central to Appellant's initial brief. If this court grants this extension of time, Appellant's initial brief will be due October 7, 2017.

Respectfully submitted.

September 1, 2017


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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing document, MOTION TO EXTEND TIME TO FILE THE INTITIAL BRIEF, was served upon all counsel of Record:

- as an attachment to an electronic correspondence
- by depositing a copy of the same in an official depository of the United States mail in a postage-paid envelope
- via facsimile, or
- by hand delivery

addressed as follows:

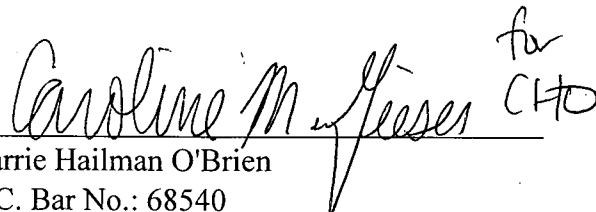
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ANDY LEE RAYBURN

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SC Court of Appeals

This the 1ST day of SEPTEMBER, 2017.

 for CHO

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September 1, 2017

Jenny Abbott Kitchings
SC Court of Appeals
1220 Senate Street
Post Office Box 11629
Columbia, SC 29211

Re: Andy Lee Rayburn vs. David Dynast
 Case No.: 2017-001377
 Claim No.: 16-1818683

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SC Court of Appeals

Dear Ms. Kitchings:

Enclosed are the original and one copy of Defendant's Motion to Extend Time to File the Initial Brief and \$25 filing fee in the above-captioned matter. Please file the original with the Court, and return the copy, stamped "filed", in the enclosed self-addressed, stamped envelope.

Thank you for your time and attention to this matter.

WILLSON JONES CARTER & BAXLEY, P.A.

/s/ Carrie Hailman O'Brien

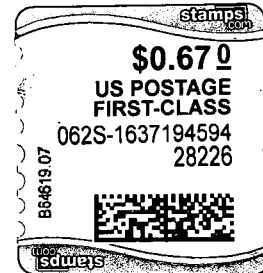
Carrie Hailman O'Brien

CHO/acw

Enclosures

cc: J. Richards McRae

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