

84721

**THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

APPEAL FROM HORRY COUNTY
COURT OF COMMON PLEAS
THE HONORABLE BENJAMIN H. CULBERTSON
CIRCUIT COURT JUDGE

RECEIVED

APPELLATE CASE NO. 2017-001381
CIVIL ACTION NO. 2017-CP-26-0489

OCT 02 2017
SC Court of Appeals

Richard B. Lamb,

APPELLANT,

versus

State of South Carolina DMV,
Office of General Counsel,

RESPONDENT.

**RESPONDENT'S MOTION FOR LEAVE TO FILE OUT OF TIME ITS
RETURN TO APPELLANT'S MOTION TO VACATE LOWER COURT
JUDGMENT AND MOTION TO GRANT APPELLANT SUMMARY
JUDGMENT ORIGINAL RELIEF DEMANDED**

Respondent State of South Carolina DMV, Office of General Counsel filed with this Court on September 20, 2017 its Return to Appellant's Motion to Vacate Lower Court Judgment and Motion to Grant Appellant Summary Judgment Original Relief Demanded. This Court determined that the Return was filed out of time and has requested Respondent to file a motion for leave to file the Return outside of the filing deadlines set forth by Rule 240, SCACR.

Respondent hereby submits the following explanation for the delay in filing its Return. Appellant's Motion was purportedly served on August 31, 2017 upon Respondent's counsel in the firm's Myrtle Beach office. The Motion was received by the firm's Myrtle Beach office on September 6, 2017. Appellant did not serve the Motion upon the undersigned, Carmen V. Ganjehsani, at the firm's Columbia office.

Because an assistant in the Myrtle Beach office was on vacation, the Return was inadvertently not forwarded to Ms. Ganjehsani in the Columbia office for handling within the time period to respond. Ms. Ganjehsani filed the Return as soon as she was aware of Appellant's Motion.

For the reasons set forth herein, Respondent State of South Carolina DMV, Office of General Counsel respectfully requests that this Court grant it leave to file out of time its Return to Appellant's Motion to Vacate Lower Court Judgment and Motion to Grant Appellant Summary Judgment Original Relief Demanded.

Respectfully submitted,



Douglas C. Baxter
RICHARDSON, PLOWDEN & ROBINSON, PA
Post Office Drawer 3646
Myrtle Beach, South Carolina 29578
(843) 448-1008

Carmen V. Ganjehsani
RICHARDSON, PLOWDEN & ROBINSON, PA
Post Office Drawer 7788
Columbia, South Carolina 29202
(803) 771-4400
**ATTORNEYS FOR RESPONDENT
STATE OF SOUTH CAROLINA DMV,
OFFICE OF GENERAL COUNSEL**

September 29, 2017.

CERTIFICATE OF SERVICE

I, the undersigned, attorney for Respondent State of South Carolina DMV, Office of General Counsel, do hereby certify that I have this date served the foregoing Motion for Leave to File Out of Time Its Return to Motion to Vacate Lower Court Judgment and Motion to Grant Appellant Summary Judgment Original Relief Demanded, dated September 29, 2017, by causing the same to be deposited in a United States Postal Service mailbox, postage prepaid, addressed to counsel of record as indicated below:

Richard B. Lamb
9541 Maison Court
Myrtle Beach, SC 29572
Appellant *Pro Se*



Carmen V. Ganjehsani
RICHARDSON, PLOWDEN & ROBINSON, PA
1900 Barnwell Street (29201)
Post Office Drawer 7788
Columbia, South Carolina 29202
(803) 771-4400
**ATTORNEYS FOR RESPONDENT
STATE OF SOUTH CAROLINA DMV,
OFFICE OF GENERAL COUNSEL**

Dated: September 29, 2017.

Reply to: **Carmen V. Ganjehsani**
Direct Dial: 803-253-8692
cganjehsani@richardsonplowden.com

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OCT 02 2017

SC Court of Appeals

September 29, 2017

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

Re: *Richard B. Lamb v. State of South Carolina DMV, Office of General Counsel*
Appellate Case No. 2017-001381
RPR File No.: 181-891

Dear Ms. Kitchings:

I am enclosing for filing the original and six copies of the Respondent's Motion for Leave to File Out of Time Its Return to Appellant's Motion to Vacate Lower Court Judgment and Motion to Grant Appellant Summary Judgment Original Relief Demanded in the above referenced matter, along with our Certificate of Service. Also enclosed is our firm's check in the amount of \$25.00 to cover the filing fee for this Motion.

By copy of this letter, we are serving a copy of this Motion on Appellant *pro se*.

If you should have any questions, please do not hesitate to contact me.

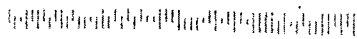
Sincerely,



Carmen V. Ganjehsani

CVG
Encs.

cc: Richard B. Lamb (enc.)
Douglas C. Baxter (FYI)



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09/29/2017
US POSTAGE \$001.82
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181-891

RICHARDSON
RICHARDSON FLOWDEN ROBINSON, P.A.
PLOWDEN
ATTORNEYS AT LAW

COLUMBIA P.O. Drawer 7788 • Columbia, SC 29202

RECEIVED
The Honorable Jenny Abbott Kitchings
Clerk of Court, S.C. Court of Appeals
P.O. Box 11629 OCT 02 2017
Columbia, SC 29211
SC Court of Appeals