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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

L. Casey Manning, Circuit Court Judge

Case No. 2017-001130

Tom Efland..... Appellant,

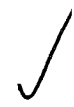
vs.

Randy L. Mills and Richland County..... Respondents.

**MOTION FOR TO ACCEPT LATE FILING OF INITIAL BRIEF AND
DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON
APPEAL AND MOTION FOR EXTENSION OF TIME**

The undersigned, as counsel for the Appellant hereby moves this Court to accept the Initial Brief and Designation of Matter to be Included on Appeal out of Time and also for a Ten (10) day extension of time in which to file Appellant's Initial Brief and Designation of Matter to be Included on the Record on Appeal. This motion is made on the following grounds:

1. The undersigned John C. Bradley, Jr. is assisting Attorney S. Jahue Moore in preparing the Initial Brief and Designation of Matter to be Included in the Record on Appeal in this case.
2. On or about August 24, 2017 the undersigned received a copy of the Court Reporter's Transcript in the above-referenced matter.



3. By letter dated August 30, 2017 the undersigned notified the Clerk of Court and all counsel of record that he had received the Transcript from the Court Reporter.

4. On the same day the undersigned left South Carolina to travel out of State for the purpose of getting married and for a short vacation following the wedding.

5. The undersigned counsel inadvertently failed to calendar the receipt of the Transcript and the deadline for filing Appellant's Initial Brief and Designation of Matter to be Included in the Record on Appeal or to instruct his office staff to calendar the deadline prior to leaving the State of South Carolina.

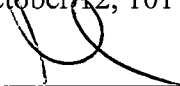
6. This oversight was called to counsel's attention on Monday, October 2, 2017, when he called the Clerk's Office and spoke with Amelia regarding the due date of the Initial Brief and Designation of Matter to be Included in the Record on Appeal. Counsel subsequently learned that a Motion to Dismiss the Appeal was filed on September 29, 2017.

7. The failure to timely file was inadvertent. It is respectfully submitted that good cause has been shown and that no party will be prejudiced by allowing filing of the Initial Brief and Designation of Matter to be Included in the Record on Appeal out of Time.

8. In addition, the undersigned respectfully moves for a Ten (10) day extension to File the Appellant's Initial Brief and Designation of Matter to be Included in the Record on Appeal. This motion is made on the grounds that the undersigned is counsel of record on a Brief due in the South Carolina Court of Appeals on another matter on Thursday, October 5, 2017. Counsel therefore respectfully requests additional time to prepare, file and serve Appellant's Initial Brief and Designation of Matter to be Included in the Record on Appeal. In order that the rights of any party are not prejudiced, the undersigned counsel has asked for the shortest extension that he believes necessary in order to prepare, file and

serve these documents. In the event that the Court believes this requested time period creates prejudice, Appellant's counsel would therefore move for a shorter extension.

WHEREFORE, Appellant above named, respectfully requests that this Court issue its Order allowing for filing of the Appellant's Initial Brief and Designation of Matter to be Included in the Record on Appeal out of time and also to extend the deadline for the service and filing of his Initial Brief and Designation of Matter on Appeal for an additional Ten (10) days making Appellant's Initial Brief and Designation of Matter to be Included in the Record on Appeal due on or before October 12, 2017.



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West Columbia, South Carolina
October 2, 2017

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ATTORNEYS FOR THE RESPONDENTS

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

L. Casey Manning, Circuit Court Judge

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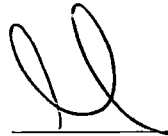
Tom Efland Appellant,

vs.

Randy L. Mills and Richland County Respondents.

PROOF OF SERVICE

I certify that I have served the Motion for to Accept Filing of Brief and Designation of Matter to be Included on Appeal out of Time/Motion for Extension of Time by mail, to Desa Ballard, Esquire, Ballard & Watson, Post Office Box 6338, West Columbia, SC 29171 and Mitchell Willoughby, Esquire, Willoughby & Hoefler, Post Office Box 8416, Columbia, SC 29202 on October 2, 2017.



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October 2, 2017

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SC Court of Appeals

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Melissa K. Moore
William B. Fortino
Ralph Nichols Riley, Jr.
Amber Cary Fulmer
Sarah Taylor Cassidy
Justin Thomas Williams

Robert D. Hazel
OF COUNSEL
Billy C. Coleman
RETIRED

October 2, 2017

VIA HAND DELIVERY


The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
1015 Sumter Street
Columbia, South Carolina 29201

RE: Tom Efland v. Randy L. Mills and Richland County
C.A. No.: 2016-CP-40-05336
Appellate Case No. 2017-001130

Dear Ms. Kitchings:

Enclosed please find an original and seven (7) copies of Appellant's Motion for to Accept Late Filing/Extension of Time to File Initial Brief and Designation of Matter to be Included in the Record on Appeal. I am including a firm check in the amount of Twenty-five (\$25.00) dollars and under cover of this letter am serving counsel for respondent with this motion.

Thank you for your assistance in this matter.

Yours very truly,


John C. Bradley, Jr.

Enclosures

cc: Desa Ballard, Esquire
Mitchell Willoughby, Esquire