

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM YORK COUNTY
John C. Hayes, III, Circuit Court Judge

RECEIVED
DEC 01 2017
SC Court of Appeals

Appellate Case No. 2016-002556
Case No. 2014-CP-46-1307

Russell Shane Carter, Respondent-Appellant,

v.

Bruce Bryant, as Representative for the
Office of the York County Sheriff, Appellant-Respondent.

**MOTION TO ACCEPT
FILING OUT OF TIME**

The Appellant-Respondent Bruce Bryant respectfully moves this Court to accept the Initial Reply Brief and Appellant-Respondent's Designation of Matter to be Included in the Record on Appeal for filing out of time.

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


1. The Appellant-Respondent's Initial Reply Brief and Appellant-Respondent's Designation of Matter to be Included in the Record on Appeal were due to be filed by November 28, 2017.

2. The undersigned counsel for the Appellant-Respondent was unable to complete the preparation of the Initial Reply Brief by that date because of an out of town deposition obligation that took longer than previously anticipated and because of work on a brief due in the United States Supreme Court.

3. The undersigned counsel does not anticipate any opposition from counsel for the Respondent-Appellant who requested and was granted four extensions for the filing of his Initial Respondent's Brief, each with the consent of the Appellant-Respondent.

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

DAVIDSON & LINDEMANN, P.A.

BY: 

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*Counsel for Appellant-Respondent
Bruce Bryant*

Columbia, South Carolina

November 29, 2017

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CERTIFICATE OF SERVICE

The undersigned employee of Davidson & Lindemann, P.A., counsel for the Appellant-Respondent, does hereby certify that service of the **Motion to Accept Filing 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 29th day of Novmeber 2017:

J. Christopher Mills, Esquire
Post Office Box 8475
Columbia, South Carolina 29202

Alex T. Postic, Esquire
1830 Marion Street
Columbia, South Carolina 29201



DAVIDSON & LINDEMANN, P.A.

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November 29, 2017

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Of Counsel
Kenneth P. Woodington

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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: Russell Shane Carter v. Bruce Bryant, as Representative for the
Office of the York County Sheriff
Appellate Case Number: 2016-002556
Civil Action Number: 2014-CP-46-1307
Claim Number: 58922
Our File Number: 103.9486

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Dear Ms. Kitchings:

Please find enclosed for filing the original and one copy of the **Motion to Accept Filing Out of Time** in the above referenced matter. Please file the original and return a clocked-in copy of 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,

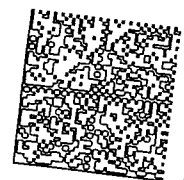
DAVIDSON & LINDEMANN, P.A.



Andrew F. Lindemann

AFL/jmb
Enclosures

cc: J. Christopher Mills, Esquire (w/ Enclosure)
Alex T. Postic, Esquire (w/ Enclosure)



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