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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

John D. McLeod, Administrative Law Judge

Case No. 16-ALJ-17-0113-CC
Appellate Case No. 2017-001519

Books-A-Million, Inc.

Appellant,

v.

South Carolina Department of Revenue

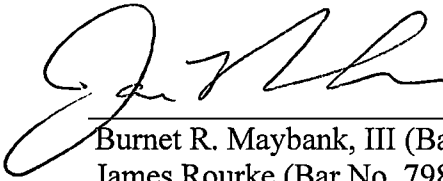
Respondent.

**MOTION FOR EXTENSION TO FILE
APPELLANT'S INITIAL REPLY BRIEF
AND DESIGNATION OF MATTER**

Appellant Books-a-Million, Inc., with the consent of Respondent, moves for a ten (10) day extension in which to file its Initial Reply Brief and Designation of Matter to be Included in the Record on Appeal. This is Appellant's first request for an extension and is based on good cause and not intended for purposes of delay, nor will the requested extension prejudice the rights of any party. This Court's prior Order granting Respondent's Motion for Extension set a deadline of January 2, 2018, but Appellant hand-delivered its Initial Brief to the Court on Friday, December 29. Counsel for Appellant had not anticipated a filing during the holiday week between Christmas and New Years Day, and did not receive the Initial Brief until delivered via U.S. Mail on January 2. By the undersigned's calculations, the extension, if granted, would extend the deadline for filing Appellant's Initial Brief and Designation of Matter to the 18th day of January, 2018.

✓

Respectfully submitted,



Burnet R. Maybank, III (Bar No. 3699)
James Rourke (Bar No. 79879)
Nexsen Pruet, LLC
1230 Main Street, Suite 700
Columbia, South Carolina 29201
(803) 771-8900

Attorneys for Appellant
Books-A-Million, Inc.

January 5, 2018

Other Counsel of Record:

Lauren Acquaviva
Sean G. Ryan
South Carolina Department of Revenue
P.O. Box 12265
Columbia, SC 29211

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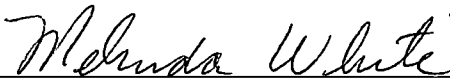
Respondent.

PROOF OF SERVICE

This is to certify that the foregoing Motion for Extension to File Appellant's Initial Reply Brief and Designation of Matter was sent via US Mail addressed as follows this 5th day of January, 2018.

Lauren Acquaviva
Sean G. Ryan
SC Department of Revenue
PO Box 12265
Columbia, SC 29211-9979

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SC Court of Appeals



Melinda White

Jim Rourke, J.D., LL.M (Tax)
Member

January 5, 2018

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SC Court of Appeals

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201

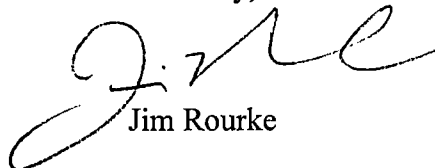
Re: Books-A-Million, Inc. v. South Carolina Department of Revenue
Appellate Case No. 2017-001519
ALC Docket No. 16-ALJ-17-0113-CC

Dear Ms. Kitchings:

Enclosed please find an original and six (6) copies of the Appellant's Motion for Extension to File Appellant's Initial Reply Brief and Designation of Matter, along with the \$25.00 filing fee for the above-referenced case. Please return a clocked copy to our courier. By copy of this letter, we are also serving Respondent's counsel.

Thank you for your attention to this matter.

Sincerely,



Jim Rourke

JR/mw

Enclosure

cc: Lauren Acquaviva, Esq.
Sean G. Ryan, Esq.