

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Robert E. Hood, Circuit Court Judge

Case No. 2016-CP-40-04639

RECEIVED
JAN 29 2018
SC Court of Appeals

William A. Brazell,
Individually and as Personal
Representative of the Estate of
Geneva J. Brazell, deceased, Appellant,

v.

Judith D. Haley, Respondent.

**MOTION TO STAY THE FILING OF THE RECORD ON APPEAL
ON OR BEFORE FEBRUARY 9, 2018**

TO THE RESPONDENT ABOVE NAMED:

PLEASE TAKE NOTICE that Appellant, by and through his attorney, will move before the South Carolina Court of Appeals for an Order determining that the Record on Appeal should not be filed until a decision has been made as to Appellant's Motion that the South Carolina Rules of Civil Procedure and the South Carolina Rules of Appellate Practice should or should not be included in the Record on Appeal.

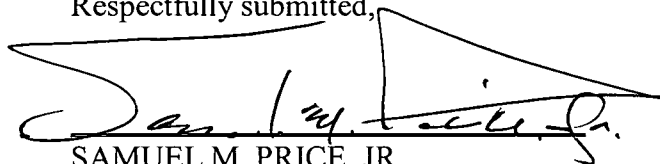
Respondent's Response to Initial Brief of Appellant and Respondent's Initial Brief, dated December 29, 2017, was received by the undersigned on January 2, 2018. In Respondent's

Designation of Matter, she included "SC Rules of Civil Procedure and SC Rules of Appellate Procedure" (sic). On January 5, 2018, the undersigned filed a Motion seeking an Order that the South Carolina Rules of Civil Procedure and the South Carolina Rules of Appellate Practice not be included in the Record on Appeal. On January 24, 2018, the undersigned discovered that the Record on Appeal was due on or before February 9, 2018. The undersigned further discovered his Motion of January 5, 2018, did not stop the running of days upon which the Record on Appeal was due.

It is, therefore, the motion of the undersigned that no date should be assigned as the due date for the Record on Appeal until this Court decides whether or not the South Carolina Rules of Civil Procedure and the South Carolina Rules of Appellate Practice is to be included in the Record on Appeal.

January 24, 2018

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Samuel M. Price, Jr.", written over a horizontal line.

SAMUEL M. PRICE, JR.

SC Bar No. 04566

Post Office Drawer 836

Newberry, South Carolina 29108

(803) 276-0796

Attorney for Appellant

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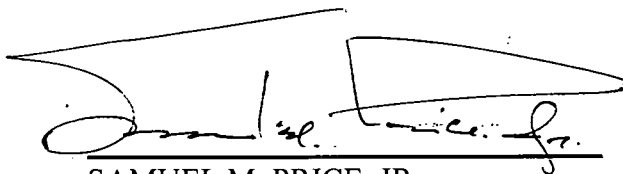
Respondent.

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PROOF OF SERVICE

I certify that I have served the Motion to Say the Filing of the Record on Appeal on or before February 9, 2018, on Judith D. Haley by depositing a copy of it in the United States Mail, postage prepaid, on January 24, 2018, addressed to her at 2428 Heyward Brockington Road, Columbia, South Carolina 29203.

January 24, 2018



SAMUEL M. PRICE, JR.
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January 24, 2018

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

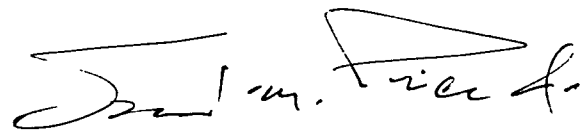
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RE: William A. Brazell, Individually and as Personal Representative of the Estate of
Geneva J. Brazell, deceased vs. Judith D. Haley
Case No. 2016-CP-40-04639

Dear Ms. Kitchings:

Enclosed for filing are the original and one (1) copy of the Motion to Stay the Filing of the Record on Appeal on or before February 9, 2018 together with Proof of Service of same on Respondent. Please return clocked copy to my office via enclosed envelope. I also check in the amount of Twenty-five and no/100 (\$25.00) dollars for the filing fee. If you have any questions, please do not hesitate to contact me.

Respectfully,



Samuel M. Price, Jr.

rfs

Enclosures

JS

SAMUEL M. PRICE, JR.

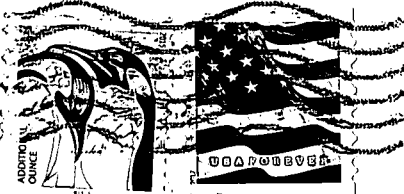
ATTORNEY AT LAW

1413 MAIN STREET
P.O. DRAWER 836

NEWBERRY, SOUTH CAROLINA 29108

COLUMBIA SC 2910

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RECEIVED

JAN 29 2018

SC Court of Appeals

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