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STATE OF SOUTH CAROLINA
In the Court of Appeals

Appellant Case No.: 2017-001881

APPEAL FROM AIKEN COUNTY
Court of Common Pleas

Doyet A. Early, III, Circuit Court Judge

Civil Action No.: 2013-CP-02-2157

RECEIVED
FEB 28 2018
SC Court of Appeals

John Burke, Respondent

vs.

The South Carolina Department of Transportation, Appellant

MOTION TO FILE FINAL BRIEF OUT OF TIME

Respondent moves this Court to allow him to file his final brief out of time. Respondent did not receive the Record on Appeal until February 20, 2018 due to a problem with his mail being tampered with by unknown parties. Respondent first became aware of the missing Record on Appeal upon receipt of the Final Brief from Appellant. Appellant immediately emailed the Record to counsel on February 20, 2018. Since that date, Counsel for Respondent has been out of the office in hearings and mediation. No party will suffer any prejudice from this delay and this motion is not being made in bad faith or to delay the proceedings.

February 28, 2018

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CERTIFICATE OF SERVICE

The undersigned certifies that a copy of Respondent's Final Brief and Motion to File Final Brief out of Time was served on opposing counsel at the following address:

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