

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM PICKENS COUNTY
Court of Common Pleas

Perry H. Gravely, Circuit Court Judge

Case No. 2017-002347

EPS Advisors, LLC Respondent/Appellant,

vs.

Jan Fredman and Clemson-EPS Advisors, LLC ... Appellants/Respondents.

APPELLANTS/RESPONDENTS'
MOTION SEEKING PERMISSION TO
IMMEDIATELY FILE APPELLANTS/RESPONDENTS'
FINAL BRIEF TO CROSS APPEAL

RECEIVED

JUN 20 2018

SC Court of Appeals

The undersigned, counsel for the Appellants/Respondents, Larry C. Brandt, hereby moves for permission to immediately file Appellants/Respondents' Final Brief to Cross Appeal which was due with the Court on June 14, 2018.

Appellants/Respondents mailed the Record on Appeal, Appellants/Respondents' Final Brief and Appellants/Respondents' Final Reply to the South Carolina Court of Appeals on Friday, June 15, 2018. After same had been submitted to the United States Postal Service, Mr. Brandt's paralegal, Debra Miller, discovered that Appellants/Respondents' Final Brief to Cross Appeal had not been included in the package mailed to the Court of Appeals. Immediately, Debra Miller,

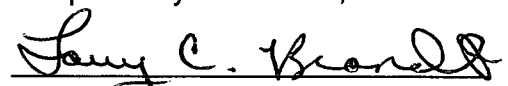
Miller, contacted the Court of Appeals and spoke with the caseworker, Jessica, and explained what had occurred. Jessica advised Debra Miller that the Court will accept the Record on Appeal and Appellants/Respondents' Final Briefs mailed on June 15, 2018; however, since the Appellants/Respondents' Final Brief to Cross Appeal was due on June 14, 2018, then Appellants/Respondents will be required to file a Motion requesting that they be allowed to file the Brief late.

After speaking with Jessica, Debra Miller, immediately emailed opposing counsel, Ms. Candy Kern-Fuller, explaining what had occurred and asked Ms. Kern-Fuller if she would consent to the late filing of Appellants/Respondents' Final Brief to Cross Appeal. Ms. Kern-Fuller has consented to Appellants/Respondents' request as evidenced by the email attached hereto.

Appellants/Respondents would further show that the failure to include Appellants/Respondents' Final Brief to Cross Appeal was not done intentionally nor for purposes of delay.

For the reasons set forth herein, Appellants/Respondents request permission to immediately file Appellants/Respondents' Final Brief to Cross Appeal which is being submitted to the Court along with this Motion.

Respectfully submitted,



Larry C. Brandt (S.C. Bar #856)

Larry C. Brandt, P.A.

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lcb.brandtlawfirm@att.net

Attorney for Appellants/Respondents

June 15, 2018
Walhalla, South Carolina

debra@larrybrandt.com

From: Candy M. Kern-Fuller, Esq. <candy@upstatelawgroup.com>
Sent: Friday, June 15, 2018 6:25 PM
To: debra@larrybrandt.com
Subject: RE: EPS v. Fredman Appeal

Of course, Debra. No problem.

Candy

From: debra@larrybrandt.com <debra@larrybrandt.com>
Sent: Friday, June 15, 2018 5:07 PM
To: candy@upstatelawgroup.com
Subject: EPS v. Fredman Appeal
Importance: High

Can you please give me a call regarding this file or possibly consent to us filing Appellants/Respondents' Initial Brief to Cross Appeal late?

For some reason I thought the record and final briefs were due 6/18. I mailed all out today and then realized I did not send the Appellants/Respondents' Initial Brief to Cross Appeal. I have just talked with Jessica at the court and explained that the Record and Final Briefs went out today but I had just discovered I failed to send the Final Brief to Cross Appeal and that I can mail it out Monday. She advised me everything was due yesterday but said they will accept the Record and Appellants/Respondents' Final Brief and Final Reply Brief but we will have to file a motion for late filing of the Appellants/Respondents' Initial Brief to Cross Appeal. She said if opposing counsel consents to the motion then they do not have to wait for a reply to the Motion. She says I can attach an email consent to our Motion.

Will you please consent to us filing Appellants/Respondents' Initial Brief to Cross Appeal late? As stated, we will mail it out on Monday. There would be no further delay. Thank you for your courtesy and attention to our request.

Deb

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PROOF OF SERVICE
(APPELLANTS/RESPONDENTS' MOTION SEEKING
PERMISSION TO IMMEDIATELY FILE APPELLANTS/RESPONDENTS'
FINAL BRIEF TO CROSS APPEAL

I certify that I have served **APPELLANTS/RESPONDENTS' MOTION SEEKING PERMISSION TO IMMEDIATELY FILE APPELLANTS/RESPONDENTS' FINAL BRIEF TO CROSS APPEAL** upon the **Respondent/Appellant** by depositing a copy of same in the United States Mail, postage prepaid, addressed to its attorneys of record as follows:

Candy Kern-Fuller
Upstate Law Group, LLC
200 E. Main Street
Easley, South Carolina 29640
(864) 855-3114
Attorney for Respondent/Appellant

Sarah Meadows Gable
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1026 Sumter Street, Suite 101
Columbia, South Carolina 29201
Attorney for
Respondent/Appellant

Larry C. Brandt, P.A.
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864/638-5406
Attorney for Appellants

June 18, 2018

By: Debra C. Miller
Debra C. Miller, Paralegal