

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from the Administrative Law Court
The Honorable Deborah Brooks Durden

Appellate Case No. 2017-001247

RECEIVED
AUG 14 2018
SC Court of Appeals

Corey Arness McCluney.....Appellant,

v.

South Carolina Department of Motor Vehicles and South
Carolina Department of Public Safety.....Defendants,

Of Which South Carolina Department of Motor Vehicles is the Respondent.

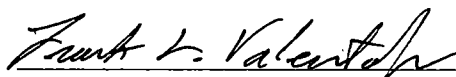
**REPLY TO APPELLANT'S RETURN TO MOTION TO
ALLOW LATE FILING OF MOTION FOR COSTS**

COMES NOW, Respondent, by and through their undersigned counsel, and files this Reply to Appellant's Return to Motion to Allow Late Filing of the Motion for Costs.

The Respondent believes that this court is fully aware of jurisdictional deadlines versus procedural deadlines. Nevertheless, the Respondent points out that deadlines for hearing requests are statutorily jurisdictional. Conversely, filing deadlines for motions and other pleadings are procedural and left to the reasonable consideration of the court. *Martin v. Paradise Cove Marina, Inc.*, 348 S.C. 379, 559 S.E.2d 348 (2001).

Wherefore, Respondent prays the court grant the Motion to Allow Late Filing of the Motion for Costs.

Respectfully submitted,



Frank L. Valenta, Jr., SC Bar # 5682

General Counsel

Brandy A. Duncan, SC Bar # 72052

Assistant General Counsel

S.C. Department of Motor Vehicles

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August 13, 2018
Blythewood, SC

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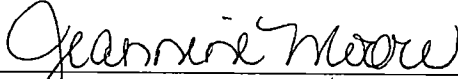
South Carolina Department of Motor Vehicles and South
Carolina Department of Public Safety.....Defendants,

Of which South Carolina Department of Motor Vehicles is the Respondent.

CERTIFICATE OF SERVICE

PURSUANT TO SCACR, I HEREBY CERTIFY that today, August 13, 2018, I served one (1) copy of the Respondent's Reply to Appellant's Return to Motion to Allow Late Filing of Motion for Costs by depositing with the United States Postal Service, correct postage prepaid, to Counsel for the Appellant at the address indicated below:

Trent N. Pruett, Esquire
Pruett Law Firm
202 North Petty Street
Gaffney, South Carolina 29340
Counsel for Appellant



Jeannine (Nina) Moore, Paralegal
Office of General Counsel

August 13, 2018
Blythewood, South Carolina

Henry McMaster
Governor



Kevin A. Shwedo
Director

State of South Carolina
Department of Motor Vehicles

August 13, 2018

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

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SC Court of Appeals

RE: *Corey Arness McCluney v. South Carolina Department of Motor Vehicles, et al.*
Appellate Case No: 2017-001247


Dear Ms. Kitchings:

Pursuant to SCACR, Rule 222, please find enclosed one (1) original and seven (7) copies of Respondent South Carolina Department of Motor Vehicles' Reply to Appellant's Return to Motion to Allow Late Filing of Motion for Costs together with an original and copy of our Certificate of Service.

Please file the original and six (6) copies necessary for SCACR compliance and return the extra copy to me with an affixed clerk's date of filing in the enclosed self-addressed stamped envelope.

Thank you for your cooperation in this matter.

In kind regards,


Jeannine (Nina) Moore, Paralegal
Office of General Counsel

Enclosures

cc: Trent N. Pruett, Esquire

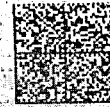


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