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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Jocelyn Newman, Circuit Court Judge
G. Thomas Cooper, Circuit Court Judge

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DEC 03 2018
SC Court of Appeals

Appellate Case No. 2018-000948
Case No. 2015-CP-40-05598

Modesta Brinkman, David Brinkman, James Coleman, Carl Foster, Karen Foster and Robert Collins,

Appellants,

v.

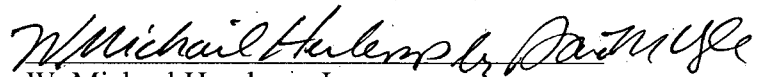
City of Columbia, North American Pipeline Management, and Layne Inliner,

Respondents.

RESPONDENT CITY OF COLUMBIA'S MOTION TO SERVE AND FILE ITS INITIAL BRIEF AND DESIGNATION OF MATTER OUT OF TIME

Respondent City of Columbia's Initial Brief and Designation of Matter were due on or before November 21, 2018. Due to a calendaring error, in which the Respondent calculated the due date from the date the Appellant's Initial Brief was received and not the date it was served, Respondent calculated the due date for filing and serving its Initial Brief and Designation of Matter to be November 22, 2018. Believing the due date fell on a State holiday, those documents were filed and served on the next day that was not a weekend or State holiday pursuant to Rule 263(a), SCACR, or Monday, November 26, 2018.

The attorneys for all remaining parties have been consulted and have consented to allowing Respondent City's Initial Brief and Designation to be filed out of time. Respondent City of Columbia, by and through its attorney, hereby requests the Court accept the filing of its Initial Brief and Designation of Matter on November 26, 2018, as permissible under the circumstances. Appellant believes the delay to be minimal in impact to the proceedings as the Court has not yet set this matter for a hearing and neither the Appellants nor the other Respondents have suffered any prejudice by the brief delay.



W. Michael Hemlepp, Jr.

Office of the City Attorney

Post Office Box 667

Columbia, South Carolina 29202

(803) 737-4242

Attorney for Respondent City of Columbia

December 3, 2018

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Jocelyn Newman, Circuit Court Judge
G. Thomas Cooper, Circuit Court Judge

Appellate Case No. 2018-000948
Case No. 2015-CP-40-05598

Modesta Brinkman, David Brinkman, James Coleman, Carl Foster, Karen Foster and Robert Collins,

Appellants,

v.

City of Columbia, North American Pipeline Management, and Layne Inliner,

Respondents.

PROOF OF SERVICE

I certify that I have served Respondent City of Columbia's Motion to File Initial Brief and Designation of Matter Out of Time upon counsel for the parties by depositing copies of them in the United States Mail, postage prepaid to them at their addresses shown below on this 3rd day of December, 2018:

John Adams Hodge, Esquire
Sharon A. Hodge, Esquire
Hodge & Associates, LLC
Post Office Box 25553

Geoffrey Kelly, Esquire
411 Walnut Street, #10646
Green Cove Springs, FL 32043

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Columbia, South Carolina 29224

Robert Trippett Boineau, III, Esquire
Heath McAlvin Stewart, III, Esquire
Post Office Box 12519
Columbia, South Carolina 29211

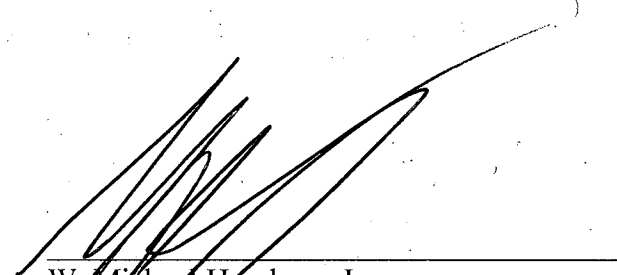
Monteith Powell Todd, Esquire
P.O. Box 11449
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7 Technology Circle, Suite 460
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John T. Crawford, Esquire
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December 3, 2018
Columbia, South Carolina



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December 3, 2018

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SC Court of Appeals

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

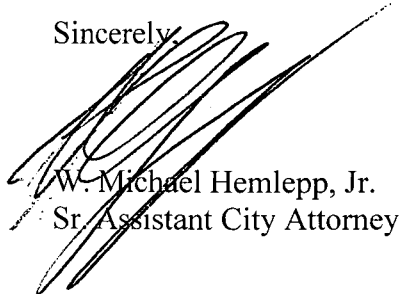
RE: Modesta Brinkman, David Brinkman, James Coleman, Carl Foster, Karen Foster and Robert Collins v. City of Columbia, North American Pipeline Management, and Layne Inline
Court of Appeals Case No.: 2018-000948

Dear Ms. Kitchings:

Enclosed for filing, please find the original and fourteen (14) copies of the *Respondent City of Columbia's Motion to Serve and File Its Initial Brief and Designation of Matter out of Time* along with the *Proof of Service* in the above referenced case. Please return the extra copies to the courier of this letter. Also enclosed is a check in the amount of Fifty (\$50.00) Dollars for the filing fee.

By copy of this letter, I am serving same on counsel for the parties.

Sincerely,



W. Michael Hemlepp, Jr.
Sr. Assistant City Attorney

WMH/jlh
Enclosure(s) as Stated

cc: Counsel of Record