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DEC 14 2018

SC Court of Appeals

**The State of South Carolina
In the Court of Appeals**

**Appeal from Cherokee County
Court of Common Pleas**

R. Keith Kelly, Circuit Court Judge

Appellate Case Number: 2018-001559

Nicky Ted Phillips and Gloria E. Phillips,

Appellants,

v.

**American National Property and Casualty Company, Clyde Edwin McNeill
Agency, and Clyde Edwin McNeill, individually and in his capacity as agent of
American National Property and Casualty Company,**

Respondents.

Motion to Serve and File Appellants' Initial Brief Outside the Deadline

Appellants respectfully move this Court for an Order granting them the ability to serve and file their initial brief outside the filing deadline set by Rule 208 of the South Carolina Appellate Court Rules, and in support of this motion, appellants respectfully show the following:

1. Appellants' received the transcript from the court reporter on October 24, 2018.
2. Appellants' counsel failed to file and serve the initial brief within the filing deadline set in Rule 208 of the South Carolina Appellate Court Rules.
3. Therefore, Appellants' respectfully seek the Court's mercy and moves it for an Order granting them the ability to serve and file the initial brief outside the deadline.

M. Brooks Derrick

M. Brooks Derrick (S.C. Bar No.: 76330)

Law Office of M. B. Derrick, LLC

224 NE Main Street

Simpsonville, SC 29681

(864) 757-0757

brooks@derricklawoffice.com

Attorney and Counselor for Appellants

December 13, 2018

Other Counsel of Record:

George V. Hanna, IV

Howser, Newman & Besley, LLC

Post Office Box 12009

Columbia, SC 29211

Attorney for Clyde Edwin McNeill Agency and Clyde Edwin McNeill

Ross B. Plyler

Roe Cassidy Coates & Price, PA

1052 North Church St.

Greenville SC 29601

Attorney for American National Property and Casualty Company

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Proof of Service

I certify that the **Motion to Serve and File Appellant's Initial Brief
Outside the Deadline** has been served via email and standard mail on
Respondents by depositing a copy of it with sufficient postage to their attorney
of record on the date listed below.

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Attorney and Counselor for Appellants

December 13 2018



LAW OFFICES OF M. BROOKS DERRICK, LLC
ATTORNEY & COUNSELOR AT LAW

224 NE MAIN STREET, SIMPSONVILLE, SC 29581

864.757.0757 (O) | 864.751.7463 (F)

December 14, 2018

Via Fax and U.S. Mail

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The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211
Fax: (803) 734-1839

DEC 14 2018

SC Court of Appeals

Re: **Phillips v. ANPAC**
Appellate Case No.: 2018-001559

Dear Ms. Kitchings:

I am in receipt of your December 6, 2018 letter. Upon review of the file, we have received the transcript from the court reporter, and it was received on October 24, 2018. Therefore, I am including with this letter a Motion to Serve and File Appellants' Initial Brief Outside the Deadline. I have also enclosed the Proof of Service on Respondents, six copies of the Motion, and a check in the amount of \$25.00 to cover the cost of filing the Motion.

Should you have any questions or require any additional information, please do not hesitate to contact me at (864) 757-0757 or via email (brooks@derricklawoffice.com).

With kind regards,

M. Brooks Derrick

Enclosure(s): as stated

*Copy to: George V. Hanna, IV
Ross B. Plyler*