

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHEROKEE COUNTY
R. Keith Kelly, Circuit Court Judge

Case No. 2018-001559

RECEIVED
DEC 27 2018
SC Court of Appeals

Nicky Ted Phillips and Gloria E. Phillips,

Appellants.

v.

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

Respondents.

RESPONDENT AMERICAN NATIONAL PROPERTY AND CASUALTY COMPANY'S
RESPONSE IN OPPOSITION TO APPELLANTS' MOTION TO SERVE AND FILE
APPELLANTS' INITIAL BRIEF OUTSIDE THE DEADLINE

Respondent American National Property and Casualty Company ("Respondent") respectfully files this return to Nicky Ted Phillips and Gloria E. Phillips' ("Appellants") motion to serve and file Appellants' Initial Brief Outside the Deadline. Respondents oppose the motion to file initial brief outside the deadline, and Appellants' appeal should be dismissed.

Appellants concede that they received the transcript from the court reporter on October 25, 2018, which meant the deadline to file and serve initial brief was November 26, 2018 (November 24, 2018 was a Saturday and would not be counted under Rule 263 SCACR). Appellants did not file or serve their initial brief by that date and did not contact the Respondents or the Court seeking an extension of time to do so. Thereafter, on December 6, 2018, the Clerk of the South Carolina Court of Appeals wrote counsel for Appellants to inquire as to the status of the transcript. In

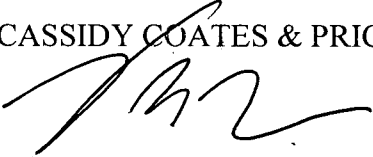
response, Appellants filed the within motion, acknowledging that the initial brief was not filed within the filing deadline set forth in Rule 208 SCACR and seeking leave to file the initial brief outside the deadline. However, Appellants provided no good cause for the need for extension.

Respondents oppose any further extension of time in this appeal, and Rule 208(a)(4) SCACR requires that “[u]pon the failure of the appellant to file and serve his brief within the time prescribed, the clerk of the appellate court shall sign an order dismissing the appeal, and the appeal shall not be reinstated except as provided by Rule 260.”

Respectfully submitted,

ROE CASSIDY COATES & PRICE PA

By:



Ross B. Plyler, SC Bar No. 71688
rplyler@roecassidy.com
Post Office Box 10529
Greenville, SC 29603
T: 864.349.2600
F: 864.349.0303

COUNSEL FOR RESPONDENT
AMERICAN NATIONAL PROPERTY AND
CASUALTY COMPANY

Greenville, South Carolina
December 20, 2018

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHEROKEE COUNTY
R. Keith Kelly, Circuit Court Judge

Case No. 2018-001559

RECEIVED
DEC 27 2018
SC Court of Appeals

Nicky Ted Phillips and Gloria E. Phillips,

Appellants.

v.

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

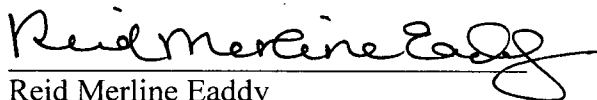
Respondents.

PROOF OF SERVICE

I, the undersigned employee of Roe Cassidy Coates & Price, hereby certify that the foregoing document was served on all counsel of record via U.S. Mail by serving a true and correct copy to the addresses listed below:

M. Brooks Derrick
Law Office of M. Brooks Derrick, LLC
224 NE Main Street
Post Office Box 967
Simpsonville, SC 29681

George V. Hanna, IV
Howser Newman & Besley, LLC
1508 Washington Street
Columbia, SC 29201


Reid Merline Eaddy
Senior Paralegal

Greenville, South Carolina
December 20, 2018



**Roe Cassidy
Coates & Price PA**

December 20, 2018

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

RECEIVED
DEC 27 2018
SC Court of Appeals

Ross B. Plyler
(864) 404-3132
rplyler@roecassidy.com

Re: Nicky Ted Phillips and Gloria E. Phillips v. American National Property and Casualty Company, Clyde McNeill Agency, and Clyde Edwin McNeill, individually and in his capacity as agent of American National Property and Casualty Company
Case No. 2018-001559
Claim No. 39A2U5160
RCCP File No. 2830.0005

Dear Ms. Kitchings:

Enclosed are an original and six (6) copies of Respondent American National Property and Casualty Company's Response in Opposition to Appellants' Motion to Serve and File Appellants' Initial Brief Outside the Deadline regarding the above-referenced matter.

Please file this document and return clocked copies to my attention in the self-addressed, stamped envelope provided.

Sincerely,

Ross B. Plyler

RBP:rme
Enclosures

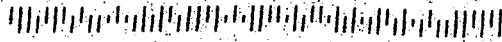
cc:
M. Brooks Derrick
Law Office of M. Brooks Derrick, LLC
224 NE Main Street
Post Office Box 967
Simpsonville, SC 29681

George V. Hanna, IV
Howser Newman & Besley, LLC
1508 Washington Street
Columbia, SC 29201

1052 North Church Street
Greenville SC 29601

PO Box 10529
Greenville SC 29603

p 864 349 2600
f 864 349 0303



NEOPOST

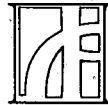
FIRST-CLASS MAIL

12/20/2018

US POSTAGE \$001.84⁰⁰



ZIP 29601
041M11278298



Roe Cassidy
Coates & Price PA

1052 N Church St
Greenville SC 29601
PO Box 10529
Greenville SC 29603

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

RECEIVED

DEC 27 2018

SC Court of Appeals