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The State of South Carolina
In the Court of Appeals

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Appeal from Cherokee County
Court of Common Pleas

DEC 27 2018

SC Court of Appeals

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,

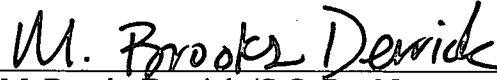
Respondents.

Amended 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. On December 10, 2018, Appellants' counsel received this Court's December 6, 2018 letter indicating that the transcript should have been received.
2. Upon review of our file, Appellants' counsel determined that the transcript had been received from the court reporter on October 24, 2018.

3. But due his calendaring error, 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.
4. 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 by January 24, 2019 or another date deemed appropriate by the Court.



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Attorney and Counselor for Appellants

December ~~21~~²⁶ 2018

Other Counsel of Record:

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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
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Attorney for American National Property and Casualty Company

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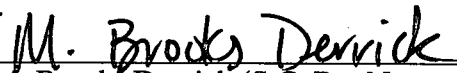
v.

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.

Proof of Service

I certify that the **Amended 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 26, 2018

Other Counsel of Record:

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ATTORNEY & COUNSELOR AT LAW

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864.757.0757 (O) | 864.751.7463 (F)

December 26, 2018

Via Fax and U.S. Mail

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

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DEC 27 2018

SC Court of Appeals

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

Dear Ms. Kitchings:

I am in receipt of your December 19, 2018 letter requesting the correct filing fee. Therefore, I am enclosing check number 6004 in the amount of \$50.00 to cover the cost of filing our motion.

To provide additional information regarding our Motion, I am also including with this letter our Amended Motion to Serve and File Appellants' Initial Brief Outside the Deadline, Proof of Service on Respondents, and six copies of 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*

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Ship To:

SC Court of Appeals

THE HONORABLE JENNY ABBOTT KITCHINGS
CLERK, SOUTH CAROLINA COURT OF APPEALS
PO BOX 11629
COLUMBIA SC 29211-1629

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