

The State of South Carolina  
In the Court of Appeals

**RECEIVED**  
DEC 18 2018  
SC Court of Appeals

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Appeal from Cherokee County  
Court of Common Pleas

R. Keith Kelly, Circuit Court Judge

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Appellate Case Number: 2018-001559

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**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.

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

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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)

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*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

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1052 North Church St.

Greenville SC 29601

*Attorney for American National Property and Casualty Company*

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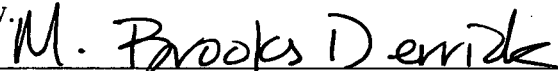
Respondents.

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**Proof of Service**

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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

Other Counsel of Record:

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*Attorney for American National Property and Casualty Company*



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ATTORNEY & COUNSELOR AT LAW

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864.757.0757 (O) | 864.751.7463 (F)

December 14, 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

**RECEIVED**  
DEC 18 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,

A handwritten signature in black ink that reads "M. Brooks Derrick".

M. Brooks Derrick

*Enclosure(s): as stated*

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

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SC Court of Appeals

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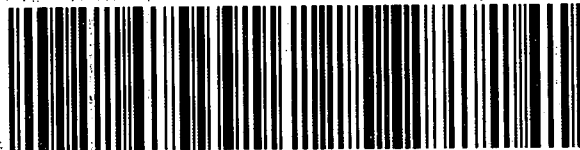
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RETURN RECEIPT REQUESTED

**SHIP TO:**

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

**USPS CERTIFIED MAIL**



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