

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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

Case No. 2018-001559

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JAN 07 2019

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' AMENDED 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") Amended Motion to Serve and File Appellants' Initial Brief Outside the Deadline. Respondents oppose the Amended Motion to Serve and 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 24, 2018, which meant the deadline to file and serve initial brief was November 23, 2018. 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.

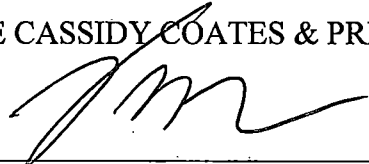
In response, Appellants filed a motion, acknowledging that the initial brief was not filed within the filing deadline set forth in Rule 208 SCACR and seeking leave to file the initial brief outside the deadline. However, Appellants provided no good cause for the need for extension. Appellants now supplement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

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:



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COUNSEL FOR RESPONDENT
AMERICAN NATIONAL PROPERTY AND
CASUALTY COMPANY

Greenville, South Carolina
January 4, 2019

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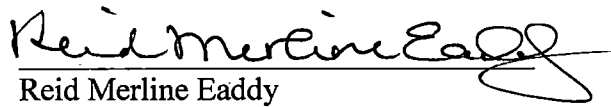
Respondents.

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:

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Reid Merline Eaddy
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Greenville, South Carolina
January 4, 2019



**Roe Cassidy
Coates & Price PA**

Ross B. Plyler
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January 4, 2019

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

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

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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' Amended 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:
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