

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM YORK COUNTY
Court of Common Pleas
Case No. 2017-CP-46-01617

John C. Hayes, III, Special Circuit Court Judge

Appellate Case No. 2017-002616

City of Rock Hill,

Appellant,

v.

Andrew R. Maupin,

Respondent.

**MOTION TO PERMIT LATE FILING OF APPELLANT'S FINAL BRIEF
AND BOUND COPIES OF THE RECORD ON APPEAL**

The Appellant, City of Rock Hill, moves to permit late filing of the final brief of Appellant and the bound copies of the record on appeal. In support of the motion Appellant would note the following.

1. Appellant and Respondent filed a motion requesting approval of a settlement agreement in this matter. In an order dated December 5, 2018 this Court denied the parties request to approve the settlement agreement.
2. Respondent has not filed a responsive brief in this matter so the Appellant assumed that additional time would be granted for Respondent to file their initial brief before the filing of the initial record on appeal.

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3. The Deputy Clerk of the South Carolina Court of Appeals sent a letter dated January 11, 2019 and received by Appellant on Monday January 14, 2019 requesting Appellant file the initial record on appeal and serve a copy on the Respondent. Appellant participated in three jury trials the week of January 14-18, 2019 of which two proceeded to verdict. Appellant upon the completion of the jury trials prepared and filed the initial record on appeal which was stamped as received on January 22, 2019 by the South Carolina Court of Appeals.

4. This Court subsequently issued an order dated January 31, 2019 ordering that filing of the final briefs be completed no later than February 7, 2019. Appellant checked with the Solicitor's Office staff and our office did not receive the order dated January 31, 2019. Appellant did receive a subsequent letter from the Deputy Clerk of Court dated February 19, 2019 which referenced the January 31, 2019 order and provided that the final brief and bound record on appeal were due within ten days of this letter. Upon receipt of the letter Appellant promptly prepared the documents and sent them to the print shop for completion.

4. Appellant participated in three jury trials during the week of February 18-21, 2019 of which one proceeded to verdict. Subsequently, Appellant traveled to Fort Benning Georgia on orders with the South Carolina National Guard from the evening of 21 February thru Sunday 24 February 2019. Appellant respectfully requests that the final brief of Appellant and the bound copies of the record on appeal be accepted for late filing.

Respectfully submitted,



CHRISTOPHER E. A. BARTON
Senior City Solicitor
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201 E. Main Street, 3rd Floor
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ATTORNEY FOR APPELLANT

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM YORK COUNTY
Court of Common Pleas
Case No. 2017-CP-46-01617

JOHN C. HAYES, III, Circuit Court Judge

Appellate Case No. 2017-002611

The City of Rock Hill,

Appellant,

v.

Andrew R. Maupin,

Respondent.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the Motion for Late Filing of Appellant's Final Brief and the Bound Record on Appeal, Appellant's Final Brief and the Bound Record on Appeal was served upon opposing counsel by mailing a copy via regular U.S. Mail on the 25th day of February, 2019, to Michael L. Brown, Jr., Attorney for Respondent Post Office Box 1025 Rock Hill, South Carolina 29730.

The undersigned further certifies that this Final Brief complies with Rule 211(b), SCACR, that the Record on Appeal contains all material proposed to be included and not any other material per Rule 210(g), SCACR and that all parties required by Rule 211(a), SCACR to be served have been.

Christopher E. A. Barton
201 E Main Street, 3rd Floor
Rock Hill, South Carolina 29730
(803) 329-5692
ATTORNEY FOR APPELLANT



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February 25, 2019

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

Re: City of Rock Hill, Appellant v. Andrew R. Maupin, Respondent
Appellate Case No. 2017-002616

Dear Ms. Kitchings:

Enclosed please find the following:

- (1) The original and three (3) copies of Appellant's Motion to Permit Late Filing of Appellant's Final Brief and the Bound Record on Appeal.
- (2) The original unbound and fourteen bound (14) copies of Appellant's Final Brief.
- (3) Fourteen (14) bound copies of the Record on Appeal.
- (3) Certificate of Service of all documents (Motion for Late Filing, Final Brief and Record on Appeal) on Counsel for the Respondent.

Truly yours,

Christopher E. Barton
201 E. Main, Street, 3rd Floor
Rock Hill, South Carolina 29730
(803) 329-5692
Attorney for Appellant

cc: Michael L. Brown, Jr.
Attorney for Respondent

CITY OF ROCK HILL SOLICITOR'S OFFICE

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