

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM AIKEN COUNTY
Court of Common Pleas

Doyet A. Early, Circuit Court Judge

Appellate Case No: 2019-000051

Case No.: 2016-CP-02-02576

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APR 29 2019

SC Court of Appeals

In the Matter of Albert D. Bone,
An Incapacitated Person, Respondent

Vivy Haynes Bone,

Appellant,

v.

Robert G. Bone, Conservator;
and Liberty Mutual Insurance
Company,

Respondents.

RESPONDENT LIBERTY MUTUAL INSURANCE COMPANY'S
RETURN TO APPELLANT'S MOTION FOR EXTENSION OF TIME

Bryan P. Kelley
S.C. Bar No. 76062
Elmore Goldsmith, P.A.
Post Office Box 1887
Greenville, South Carolina 29602
(864) 255-9500

Other Counsel of Record:

John E. Cheatham
Law Office of John E. Cheatham, P.A.
102 Harmon Street
Lexington, South Carolina 29072
(803) 359-2828
Attorney for Appellant

Pro Se:

Robert G. Bone
888 Currytown Road
North Augusta, South Carolina 29861
Respondent

Albert D. Bone
803 Vancouver Road
North Augusta, South Carolina 29841
Respondent

TABLE OF CONTENTS

Memorandum in Opposition.....1

MEMORANDUM IN OPPOSITION TO APPELLANT'S MOTION FOR EXTENSION OF TIME

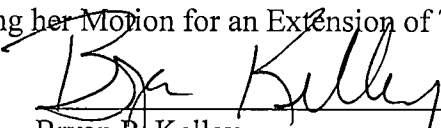
COMES NOW Respondent Liberty Mutual Insurance Company ("Liberty Mutual"), by and through its undersigned counsel, pursuant to Rule 240(e), SCACR, and offers the following Return to the Appellant's Motion for an Extension of Time to File Designation of Matter. In opposition to Appellant's Motion, Liberty Mutual shows unto the Court the following:

Liberty Mutual filed a Motion to Dismiss this Appeal on April 15, 2019. Liberty Mutual's Motion was based on Appellant's failure to timely file her Appellate Brief pursuant to Rule 208(a)(1), SCACR. As of the date of this Return, Appellant has declined to contest Liberty Mutual's Motion. Instead, it appears the Motion to Dismiss prompted Appellant to file the instant motion four days later. The grounds in support of Liberty Mutual's Motion and the grounds for its opposition to Appellant's instant motion are one and the same. Liberty Mutual opposes this Motion because Appellant's deadline to file her Appellate Brief has already elapsed.

We note the Court's correspondence dated April 24, 2019 indicated no further action will be taken on the instant motion. Because the Motion has not been expressly denied, we offer this Reply out of an abundance of caution.

Wherefore, based on Appellant's failure to timely file the appellate brief, Liberty Mutual prays that this Court enter an Order denying her Motion for an Extension of Time.

April 26, 2019



Bryan P. Kelley
S.C. Bar No. 76062
ELMORE GOLDSMITH, P.A.
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Attorney for Respondent Liberty Mutual
Insurance Company

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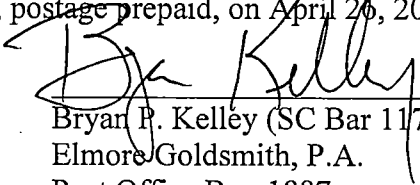
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PROOF OF SERVICE

I certify that I have served Liberty Mutual Insurance Company's Return to Appellant's Motion for Extension of Time on Appellant by depositing a copy of it in the United States Mail, postage prepaid, on April 26, 2019, addressed to her attorney of record, John E. Cheatham, 102 Harmon Street, Lexington, South Carolina, 29072. A copy of the Motion was also served on Respondent Robert G. Bone, 888 Currytown Road, North Augusta, South Carolina, 29861 and Respondent Albert D. Bone, 803 Vancouver Road, North Augusta, South Carolina, 29841 by depositing a copy of it in the United States Mail, postage prepaid, on April 26, 2019.

April 26, 2019


Bryan P. Kelley (SC Bar 11704)
Elmore Goldsmith, P.A.
Post Office Box 1887
Greenville, South Carolina 29602
(864) 255-9500

*Attorney for Respondent Liberty Mutual
Insurance Company*

April 26, 2019

Via Federal Express

V. Claire Allen
Deputy Clerk
South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201

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Re: *Vivy Haynes Bone V. Robert Bone, et al*
Appellate Case No.: 2019-000051

Dear Ms. Allen:

Enclosed please find the original and six copies of Liberty Mutual Insurance Company's Return to Appellant's Motion for Extension of Time to File Designation of Matter to be Included in the Record on Appeal and File Appellant's Initial Brief and accompanying Proof of Service. Please process according to your usual procedures and return a clocked copy to my attention in the enclosed self-addressed, stamped envelope.

By copy of this letter and enclosures we are serving Appellant's counsel, Robert G. Bone, and Albert Bone with the Motion.

Should you have any questions, please do not hesitate to contact our office.

Very truly yours,

ELMORE GOLDSMITH, P.A.



Robin G. Smith
Legal Assistant to Mason A. Goldsmith,
Mason A. Goldsmith, Jr. and
Bryan P. Kelley

/rgs
Enclosures

ELMORE GOLDSMITH, P.A.

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GREENVILLE, SC 29601
UNITED STATES US

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TO V. CLAIRE ALLEN, DEPUTY CLERK
SOUTH CAROLINA COURT OF APPEALS
1220 SENATE STREET

COLUMBIA SC 29201

(803) 734-1890

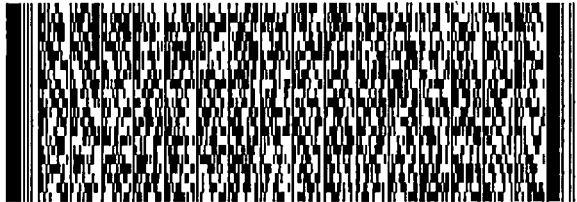
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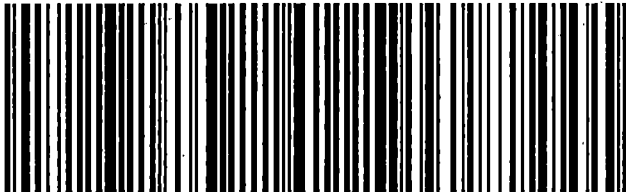
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