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THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas  
R. Ferrell Cothran, Jr., Circuit Court Judge

Appellate Case No. 2017-000902

Daniel O'Shields And Roger W.  
Whitley, A Partnership d/b/a O&W Cars,

Appellants,

v.

Columbia Automotive Company,  
LLC d/b/a Midlands Honda,

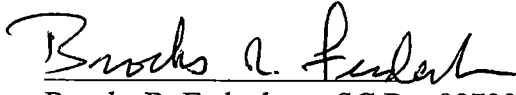
Respondent.

Motion to Serve Out of Time

Appellants respectfully move the Court for leave to serve the Record on Appeal two days late. The brother of the undersigned was in a serious motor vehicle accident earlier this month. After hospitalization and surgery, he was suddenly and discharged Monday of last week and came to stay with the undersigned while recuperating, requiring an unexpected investment of time. The Record on Appeal was due to be served Monday, July 29. Appellants' counsel went to the Mount Pleasant Post Office the night of July 30 to mail the Record, but the drop box for packages was apparently jammed and would not open. Early this morning, Appellants' counsel mailed it via the drop box at a West Ashley post office.

Counsel for the Respondent has consented to this motion.

July 31, 2019



Brooks R. Fudenberg, SC Bar 0072019  
Law Offices of Brooks R. Fudenberg, LLC  
171 Church Street, Suite 160 Charleston, SC 29401  
Tel. (843) 416-2558 eFax: (910) 401-1242  
BRF@Fudenberglaw.com  
Attorney for Appellants

**RECEIVED**

AUG 05 2019

SC Court of Appeals

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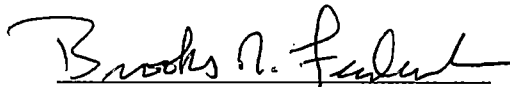
Columbia Automotive Company,  
LLC d/b/a Midlands Honda,

Respondent.

PROOF OF SERVICE

I certify that I have served the foregoing Motion to Serve Out of Time on Columbia Automotive Company, LLC d/b/a Midlands Honda by depositing a copy of it in the United States Mail, postage prepaid, on today's date, addressed to its attorney of record Sarah P. Spruill, Esq., Haynsworth Sinkler Boyd, P.A., Post Office Box 2048, Greenville, South Carolina, 29602.

July 31, 2019



Brooks R. Fudenberg  
Law Office of Brooks R. Fudenberg LLC

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SC Court of Appeals

**LAW OFFICE OF BROOKS R. FUDENBERG, LLC**

171 Church Street, Suite 160  
Charleston, South Carolina 29401  
BRF@Fudenberglaw.com  
Tel. 843-416-2558  
eFax: 1-910-401-1242

July 31, 2019

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

RE: Daniel O'Shields and Roger W. Whitley A Partnership d/b/a O&W Cars v. Columbia  
Automotive Company, LLC d/b/a Midlands Honda  
Appellate Case No. 2017-000902

Dear Ms. Kitchings:

Please find enclosed:

- A proof of service of the Record on Appeal,
- An original and 6 copies of a Motion to serve the Record two days out of date,
- A proof of service of the Motion, and
- My firm check in the amount of \$50.00.

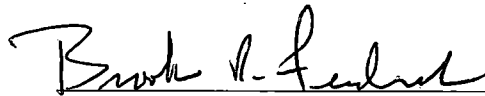
Thank you.

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SC Court of Appeals

Sincerely,

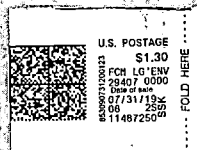


Brooks R. Fudenberg  
Law Office of Brooks R. Fudenberg LLC  
Attorney for Appellants

cc: Harry Clayton Walker Jr., Esq.      Robert Reibold, Esq.      James Y. Becker, Esq.  
Sarah P. Spruill, Esq.      C. Steven Moskos, Esq.

Law office of Brooks R. F. ...  
171 Church St, Suite 160  
Charleston SC 29401

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SC Court of Appeals

The Honorable JERRY ABRAHAM KITCHING  
Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia SC 29211

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