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S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA

In The Supreme Court

APPEAL FROM THE NINTH JUDICIAL CIRCUIT

Court of Common Pleas

Kristi Lea Harrington, Circuit Court Judge

Case No. 2009-CP-10-3608

Elizabeth Livingston.....Respondent,

v.

Danube Valley Exports, LLC,
Vicki W. Smith, and William Smith.....Petitioners.

MOTION TO FILE RETURN TO WRIT OF CERTIORARI OUT OF TIME

Timothy J.W. Muller
Rosen, Rosen & Hagood, LLC
151 Meeting Street, Suite 400
Charleston, SC 29401
(843) 577-6726

Attorney for Respondent

Respondent Elizabeth Livingston (“Respondent”) hereby moves the Court to allow her to file a Return to a Writ of Certiorari out of time. The Clerk of Court for the Supreme Court of South Carolina is in receipt of Respondent’s Return to Petitioners’ Writ of Certiorari but Respondent seeks permission for its filing following the designated deadline. In support of her motion, Respondent relies on the pleadings, orders, and law applicable in this case and such supporting memorandum and oral arguments as permitted.

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Elizabeth Livingston.....Respondent,

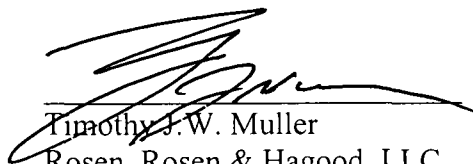
v.

Danube Valley Exports, LLC,
Vicki W. Smith, and William Smith.....Petitioners.

PROOF OF SERVICE

I certify that I have served a copy of Respondent’s Motion on Petitioners Danube Valley Exports, LLC, Vicki W. Smith, and William Smith by depositing a copy of it in the United States Mail, postage prepaid, on May 16, 2012 addressed to Mr. Rolf M. Baghdady, 118 Cobblestone Court, Chapin, South Carolina, 29036-9705.

May 16, 2012



Timothy J.W. Muller
Rosen, Rosen & Hagood, LLC
151 Meeting Street, Suite 400
Charleston, SC 29401
(843) 577-6726

Attorney for Respondent

ROSEN | HAGOOD

Timothy J.W. Muller
tmuller@rrhlawfirm.com

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MAY 18 2012

May 16, 2012

S.C. SUPREME COURT
pm 5-16-12

Daniel E. Shearhouse
The Supreme Court of South Carolina
Post Office Box 11330
Columbia, SC 29211

RE: Elizabeth Livingston v. Danube Valley Exports, LLC, *et al.*
C/A No.: 2009-CP-10-3608
Case Tracking No.: 2012-210673

Dear Mr. Shearhouse:

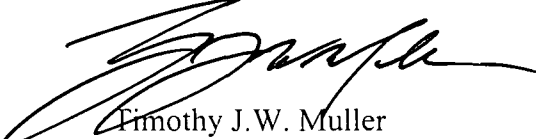
Please find enclosed the original and six copies of Respondent's Motion to File Return to the Petition for a Writ of Certiorari Out of Time in the above-referenced matter. Also enclosed is my firm's check for \$25.00 for the motion.

By copy of this letter, Rolf M. Baghdady, attorney for Appellants is being served with copies of same.

Thank you in advance for your assistance.

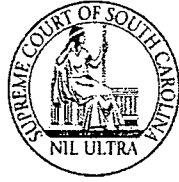
With kindest regards, I am

Respectfully yours,



Timothy J.W. Muller

TJM/dlc
Enclosures as stated
cc: Rolf M. Baghdady (w/ enc.)



The Supreme Court of South Carolina

ROSEN, ROSEN & HAGOOD, LLC.

05/18/2012

RECEIPT #64262

Case No: 2012-210673
Case Short Title: Livingston, E. v. Danube Valley
Event:
Fee Type: Motion Fee
Amount: \$25.00
Payment Type: Check
Reference No: 5627
Check/Money Order Date: 05/16/2012
Comments: ELIZABETH LIVINGSTON V. DANUBE VALLEY EXPORTS,
LLC.et.al.