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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

Robin Stilwell, Circuit Court Judge

Appellate Case No. 2019-000965
Case No. 2008-CP-23-0231

RECEIVED
OCT 17 2019
SC Court of Appeals

Garry Hoyt,

Appellant,

v.

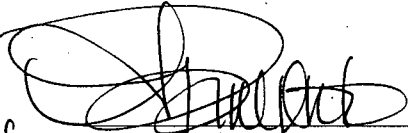
CollaborativeMed, LLC and
Richard Grounsell,

Respondents.

**MOTION FOR LEAVE TO FILE FINAL BRIEF
AND RECORD ON APPEAL OUT OF TIME**

Comes now Appellant, by and through undersigned counsel of record, and moves this Honorable Court for an Order permitting him to file his Final Brief and Record on Appeal out of time, as the clerk indicated said documents were due September 16, 2019. In support of Appellant's Motion, Appellant notes that on August 30, 2019, this Court wrote Respondent indicating that the time for filing his brief and designation expired and provided Respondent ten (10) days to file a motion requesting permission to file his initial brief and designation of matter out of time. Said letter stated that "Appellant may proceed with serving the record on appeal unless a motion is filed by Respondent." On September 6, 2019, Respondent filed a document requesting Appellant's appeal be dismissed. This Court construed Respondent's filing as a Motion to Dismiss and wrote Respondent on September 13, 2019 requesting the filing fee and

proof of service within ten days. Appellant contacted the Court on October 10, 2019 to determine whether Respondent complied with the September 13, 2019 request and was advised that his Record on Appeal and Final Briefs were due on September 16, 2019, notwithstanding the August 30, 2019 letter indicating serving the record was due only if Respondent did not file a motion. Thus, Appellant requests leave to file and serve both the Record on Appeal and Final Brief out of time.



for Mario A. Pacella
John R. Alphin
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Attorneys for Appellant

This 17th day of October, 2019

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CERTIFICATE OF SERVICE

I certify that I have served Appellant's Motion For Leave to File Final Brief and Record on Appeal Out of Time, Final Brief and Record On Appeal on Respondents by U.S. mail on 10/17/19 at the following address:

Richard Grounsell, Individually
and as Personal Representative for COLLABORATIVEMED, LLC
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