

THE STATE OF SOUTH CAROLINA  
In The Court Of Appeals

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SC Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

HONORABLE H.W. FUNDERBURK, JR., ADMINISTRATIVE LAW JUDGE

CASE NO. 17-ALJ-17-0060-CC  
APPELLATE CASE NO. 2019-001933

McEntire Produce, Inc.,.....Respondent,

v.

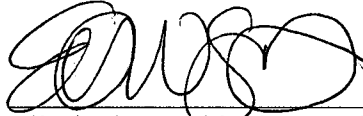
South Carolina Department of Revenue,.....Appellant.

**APPELLANT'S MOTION FOR EXTENSION OF TIME TO FILE  
INITIAL BRIEF AND DESIGNATION OF MATTER**

Pursuant to Rule 240 of the South Carolina Appellate Court Rules, Appellant South Carolina Department of Revenue ("Department") respectfully requests a thirty (30) day extension of time, from the date of the Department's current due date, in which to file its initial brief and designation of matter in the above-referenced matter. The Department's initial brief and designation of matter is currently due on December 20, 2019. Because the thirtieth day from December 20, 2019 is January 19, 2020, which falls on a Sunday, the Department respectfully requests an order granting an extension to file its initial brief and designation of matter up to and including Monday, January 20, 2020.

Counsel for Respondent, McEntire Produce, Inc., do not object to the Department's request. Further, this is the Department's first request for an extension of time as to this initial brief and designation of matter.

Respectfully Submitted,



Elisabeth W. Shields, Esquire (Bar No. 100784)

Counsel for Litigation

Jason P. Luther, Esquire (Bar No. 78021)

General Counsel for Litigation

P.O. Box 12265

Columbia, SC 29211

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[CourtOrders@dor.sc.gov](mailto:CourtOrders@dor.sc.gov)

Attorneys for Appellant

South Carolina Department of Revenue

December 4, 2019

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APPEAL FROM THE ADMINISTRATIVE LAW COURT  
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CASE NO. 17-ALJ-17-0060-CC  
DOCKET NO. 17-ALJ-17-0060-CC

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McEntire Produce, Inc., ..... Respondent,

v.

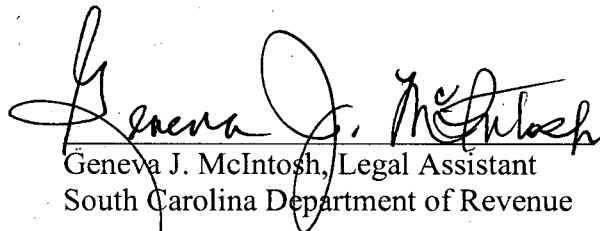
South Carolina Department of Revenue, ..... Appellant.

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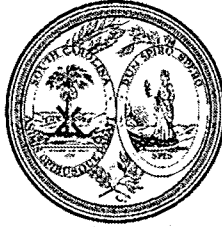
**PROOF OF SERVICE**

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I, Geneva McIntosh, hereby certify that I have caused to be mailed a copy of the South Carolina Department of Revenue's Motion for Extension of Time to File Initial Brief and Designation of Matter regarding the above-referenced case, by depositing the same in the United States Mail, postage prepaid, on December 4, 2019, addressed to the attorneys of record, Burnet R. Maybank, III, Esquire, and James P. Rourke, Esquire, of Nexsen Pruet, LLC, P.O. Box 2426, Columbia, SC 29202.

  
Geneva J. McIntosh, Legal Assistant  
South Carolina Department of Revenue

STATE OF SOUTH CAROLINA  
DEPARTMENT OF REVENUE  
OFFICE OF THE GENERAL COUNSEL



300A Outlet Pointe Blvd.  
Columbia, SC 29210

PO Box 12265  
Columbia, SC 29211-9979

December 4, 2019

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**VIA HAND DELIVERY**

The Honorable Jenny Abbott Kitchings  
Clerk of Court, South Carolina Court of Appeals  
1220 Senate Street  
P.O. Box 11629  
Columbia SC 29211

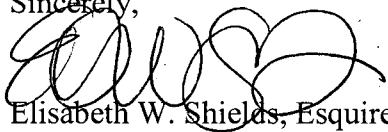
**Re: McEntire Produce, Inc., Respondent, v. South Carolina Department of Revenue, Appellant**  
**Appellate Case No.: 2019-001933**  
**Our File Number: 180220**

Dear Ms. Kitchings:

Pursuant to Rule 240(d), SCACR, enclosed for filing please find an original and six (6) copies of Appellant's Motion of Extension of Time to File Initial Brief and Designation of Matter in the above-referenced matter. Also enclosed please find a Proof of Service, pursuant to Rule 240(c)(1), SCACR.

By copy of this letter, the Department is serving its Motion on all counsel of record. Should you have any questions, please do not hesitate to contact me at 803-898-5576 or [Elisabeth.Shields@dor.sc.gov](mailto:Elisabeth.Shields@dor.sc.gov).

Sincerely,

  
Elisabeth W. Shields, Esquire  
Counsel for Litigation

cc: Burnet R. Maybank, III, Esquire  
James P. Rourke, Esquire

Enclosures