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THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

RECEIVED

APPEAL FROM GEORGETOWN COUNTY  
Court of Common Pleas

JAN 27 2020

SC Court of Appeals

Benjamin H. Culbertson, Circuit Court Judge

Case No. 2018-CP-22-00869

April Brooke Cox, as Personal Representative  
of the Estate of Elijah Cox, deceased,

Appellant,

v.

State Farm Mutual Automobile Insurance  
Company and Glen Bauer, Jr.,

Respondents.

MOTION TO FILE OUT OF TIME

Appellant April Brooke Cox, as Personal Representative of the Estate of Elijah Cox, deceased, by and through her undersigned counsel moves this Court to allow the late filing of an Amended Notice of Appeal correcting a deficiency in the initial Notice of Appeal as noted by the Court in its correspondence to undersigned counsel dated January 13, 2020.

Though the Court provided notice of the deficiency to counsel via U.S. First Class Mail on January 13, 2020, the undersigned has not yet received the Court's correspondence of January 13, 2020 advising of the deficiency in the Notice of Appeal (nor did he receive the Court's additional correspondence dated January 13, 2020 providing the Appellate Case Number and caption to counsel).

Instead, the undersigned learned of the missing correspondence via a telephone conversation with his co-counsel on January 24, 2020, who relied on the undersigned, as lead appellate counsel, to correct the deficiency noted by the Court. Undersigned counsel does not have an explanation for why he has not yet received the Court's mailings of January 13, 2020 and can only speculate as to the possible reasons (*e.g.*, mail was delivered to an incorrect box at the destination post office, which has caused delivery delays in the past).

The undersigned has discussed the present motion with counsel for Respondent, who advises he does not oppose the relief requested herein.

Respectfully submitted,

PETERS, MURDAUGH, PARKER,  
ELTZROTH & DETRICK, P.A.

By: 

Bert G. Utsey, III  
P.O. Box 30968  
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SC Bar No.: 10093

Attorneys for Appellant

January 24, 2020  
Charleston, South Carolina

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In The Court of Appeals

APPEAL FROM GEORGETOWN COUNTY  
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April Brooke Cox, as Personal Representative  
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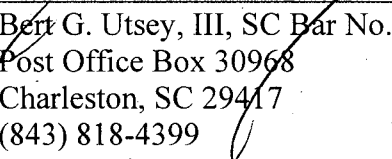
State Farm Mutual Automobile Insurance  
Company and Glen Bauer, Jr.,

Respondents.

PROOF OF SERVICE

I certify that I have served a true and correct copy of the MOTION TO FILE OUT OF TIME  
upon all parties herein by mailing same via U.S. First Class Mail, postage prepaid, on January 24,  
2020, addressed to

Timothy A. Domin, Esquire  
CLAWSON & STAUBES, LLC  
126 Seven Farms Dr., Ste. 200  
Charleston, SC 29492

  
Bert G. Utsey, III, SC Bar No. 10093  
Post Office Box 30968  
Charleston, SC 29417  
(843) 818-4399  
Attorney for Appellant

January 24, 2020  
Charleston, South Carolina

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RANDOLPH MURDAUGH, SR.  
(1887-1940)  
RANDOLPH MURDAUGH, JR.  
(1915-1998)  
J. ROBERT PETERS, JR.  
(1927-2008)  
J. PAUL DETRICK  
(1948-2016)  
CLYDE A. ELTZROTH, JR.  
(INACTIVE)  
RANDOLPH MURDAUGH, III  
(OF COUNSEL)

January 24, 2020

RECEIVED  
JAN 27 2020  
SC Court of Appeals

The Hon. Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, SC 29211-1629

RE: April Brooke Cox, as Personal Representative of the Estate of Elijah Cox, deceased,  
v. State Farm Mutual Automobile Insurance Company and Glen Bauer, Jr.  
Appeal from Georgetown County Court of Common Pleas – 2018-CP-22-00869

Dear Ms. Kitchings:

I received notice of the Court's January 13, 2020 correspondence concerning a deficiency in the Notice of Appeal filed in the above-referenced matter just this day from my co-counsel.

Per the Court's instructions, I am submitting the enclosed Amended Notice of Appeal containing the names, mailing addresses, and telephone numbers of all attorneys of record to correct the deficiency of my initial Notice filed with the Court, together with a Motion To File Out of Time. My firm's check in payment of the applicable motion filing fee is also enclosed.

I ask that you return one date stamped copy of the enclosed to me for my file in the provided self-addressed stamped envelopes.

Thank you in advance for your kind assistance with this request. Should there be any questions or concerns regarding the enclosed, please advise.

Sincerely,

  
Bert G. Utsey, III

BGU/hd

OTHER OFFICES: 101 MULBERRY STREET EAST, P.O. BOX 457, HAMPTON, SOUTH CAROLINA 29924 | TEL.: (803) 943-2111  
690 NORTH GREEN STREET, P.O. BOX 2500, RIDGELAND, SOUTH CAROLINA 29936 | TEL.: (843) 726-6131  
123 SOUTH WALTER STREET, P.O. BOX 1164, WALTERBORO, SOUTH CAROLINA 29488 | TEL.: (843) 549-9544

January 24, 2020

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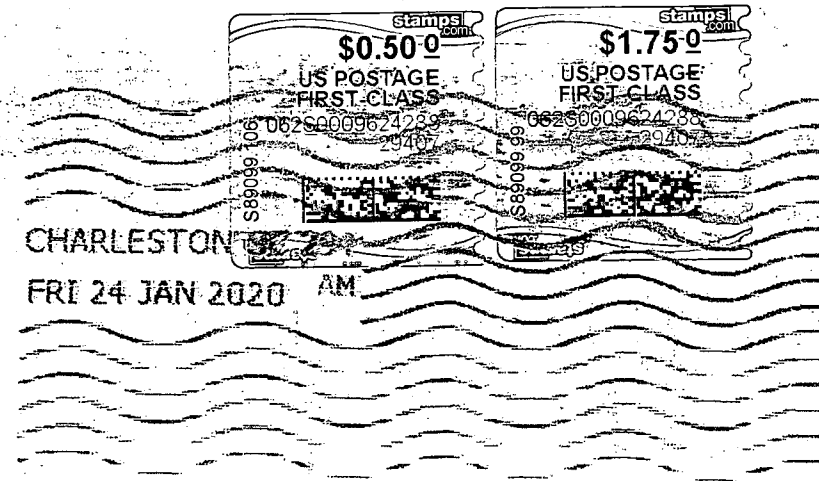
cc: Timothy A. Domin, Esquire  
Fred W. Riesen, III, Esquire

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ELTZROTH & DETRICK, P.A.  
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SC Court of Appeals



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