

# The South Carolina Court of Appeals

Brad Marrett, Respondent,

v.

Dallah Forrest & Summersett Gold, Inc., Appellants.

Appellate Case No. 2012-212012

---

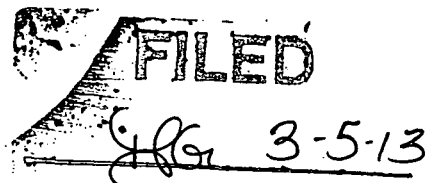
## ORDER

---

Appellants served Appellants' initial brief and designation of matter on July 20, 2012. Pursuant to Rule 208, SCACR, Respondent's initial brief should have been served and filed within thirty days after the service of Appellants' initial brief. As of November 13, 2012, Respondent had not served and filed his initial brief. Accordingly, this court sent a letter informing the parties that because Respondent had not served and filed an initial brief and designation of matter, Appellants shall serve and file their final brief and the record on appeal within twenty days. Appellants have now compiled both Appellants' final brief and the record on Appeal. On November 26, 2012, Respondent filed a motion to serve and file his initial brief and designation of matter out of time. Appellants strongly opposed the motion. Because Respondent waited to file the motion until over 120 days had passed since the service and filing of Appellants' initial brief and designation of matter and because Appellants properly followed this court's instruction to prepare Appellants' final brief and the record on appeal, Respondent's motion to accept his initial brief out of time is denied.

  
FOR THE COURT

Columbia, South Carolina

  
3-5-13

cc:

H. Michael Spivey

Melissa D. Spivey

Joseph Bradley Bennett