

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY

Thomas L. Hughston, Jr., Circuit Court Judge

Case No. 2009-CP-10-6185

Henry W. Frampton, III Respondent,

v.

South Carolina Department of Transportation.....Appellant.

MOTION TO DESIGNATE MATTER OUT OF TIME

Appellant respectfully moves the Court for an Order enlarging the time limits contained in Rule 209 (a) to allow it to designate additional matter to be included in the Record on Appeal, to wit: Defendant's Return to Plaintiff's Motion for Litigation Expenses, February 28, 2013.

In support of its motion, appellant states that respondent designated its motion for expenses for inclusion in the record and we believe the Court should have the benefit of both parties' submissions on this issue.

Beacham O. Brooker, Jr.

Beacham O. Brooker, Jr.
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Post Office Box 191
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Columbia, S.C.
March 6, 2013

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SC Court of Appeals

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APPEAL FROM CHARLESTON COUNTY
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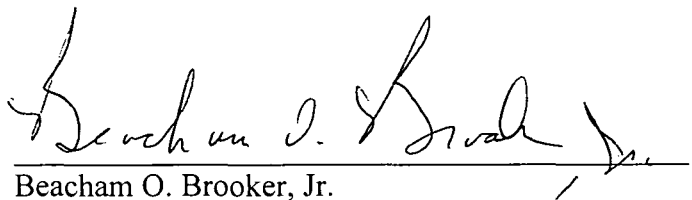
v.

South Carolina Department of Transportation Appellant.

PROOF OF SERVICE

I certify that I have served MOTION TO DESIGNATE MATTER OUT OF TIME on Henry W. Frampton, III, by depositing a copy of it in the United States Mail, postage prepaid on March 6, 2013, addressed to his attorney of record, Richard D. Bybee, as follows:

Richard D. Bybee, Esquire
Smith Bundy Bybee & Barnett
Post Office Box 1542
Mount Pleasant, SC 29456



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Department of Transportation
Office of Chief Counsel

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Natalie J. Moore
Barbara M. Wessinger
Beacham O. Brooker, Jr.
Amanda T. Taylor, Claims
Glennith C. Johnson

Claims Office
737-1260

March 6, 2013

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

RE: Henry W. Frampton III and Dale Frampton vs.
South Carolina Department of Transportation
C/A No. 09-CP-10-6185

Dear Ms. Kitchings:

Enclosed for filing in the above captioned matter please find the original and one copy of the Appellant's Motion to Designate Matter Out of Time, together with a Proof of Service of a copy of the Motion on the Respondent's attorney of record, Richard D. Bybee.

Please return a filed copy of the Motion and Proof of Service in the envelope provided.

Sincerely,

Beacham O. Brooker, Jr.
Assistant Chief Counsel

BOB:jmt
Enclosures

cc: Richard D. Bybee, Esquire

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