

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

Frank R. Addy, Jr., Circuit Court Judge

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App. Case No. 2020-000921

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**RECEIVED**

**Aug 18 2020**

**SC Court of Appeals**

Marsh Waterproofing, Inc.,

Respondent,

v.

Steeple Dorchester Ltd., and  
Hamilton Management  
Services Company, Inc.

Appellants.

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APPELLANTS' MOTION FOR PERMISSION TO FILE LATE

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TO: THE HONORABLE JUDGES OF THE SOUTH CAROLINA COURT OF  
APPEALS:

COME NOW Appellants, Steeple Dorchester Ltd., and Hamilton Management Services Company, Inc., (hereinafter "Appellants"), by and through their undersigned counsel, pursuant to Rules 207 and 263(b), SCACR, move for leave to file their Motion for Permission to File Late to be Included in the Record On Appeal (which is being conditionally filed/served contemporaneously herewith), and hereby states the following in support of Appellants' Motion:

1. On June 29, 2020, this Honorable Court sent a letter addressed to the undersigned indicating the initiation of the present appeal. On the same day, the Court sent a deficiency letter

regarding an improper form of the Proof of Service of the notice of appeal having been timely served on the lower court.

2. Unfortunately, due to the safety concerns surrounding the Coronavirus Pandemic, the undersigned was predominantly operating remotely. As such, the undersigned did not receive either letter until after the ten-day deadline that was provided for in the deficiency letter had already passed.

3. On July 28, 2020, the undersigned filed a Motion for Permission to File Late with regard to correcting the inadvertent deficiency, which is included in the Record on Appeal and is currently pending disposition by this Honorable Court.

4. Counsel for Respondent has filed with this Court a formal letter consenting to the previous Motion for Permission to File Late and is already included in the Record on Appeal.

5. The undersigned presumed the deadline for the submission of the Appellants' Initial Brief and Designation of Matter would not be set until after the disposition of the previous Motion for Permission to File Late regarding the aforementioned deficiency correction.

6. The undersigned has communicated with opposing counsel its intention to file the present Motion, which opposing counsel consents to without objection as the grant of Appellants' Motion will not prejudice that of the Respondent in respect to its Reply Brief, and opposing counsel has agreed to file a formal letter with this Court indicating the same.

7. With apologies to this Honorable Court and opposing counsel for such inadvertence, the undersigned respectfully requests that the Appellants' Motion for Permission to File Late be accepted for service/filing and to be included on the Record on Appeal.

8. The undersigned humbly submits that there is good cause to grant the requested relief given that the Appellants' previous Motion and the present Motion have been consented to by opposing counsel and that the undersigned had all intentions to filing and serving its Initial Brief and Designation of Matter after a formal deadline was provided following the disposition of the Appellants' previous Motion.

WHEREFORE, Appellants, by and through the undersigned, move this Honorable Court to grant leave to file/serve their Motion for Permission to File Late to be included in the Record

on Appeal, and respectfully ask this Court likewise grant said Motion, thereby permitting the Appellants an extension for the late filing of the Appellants' Initial Brief and Designation of Matter. In doing so, Appellants request that an extension of no more than thirty (30) days following the filing date of this Court's Order granting said Motion, with all deference to the Court if it finds a shorter allocation of time to be more reasonable, in which case, Appellants respectfully ask for a grant of twenty (20) days from receipt of this Motion.

Respectfully submitted,

*/s C. Clay Olson*

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