

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM LEXINGTON COUNTY
Court of Common Pleas

Walton J. McLeod, Circuit Court Judge

Appellate Case Number 2020-001141

RECEIVED
Sep 30 2020
SC Court of Appeals

South Carolina Farm Bureau Mutual Insurance Company,Respondent,
v.

Richard K. Longphre and Travis E. Simpson, Defendants,
Of Whom Richard K. Longphre is Appellant.....Appellant.

MOTION TO FILE INITIAL BRIEF OUT OF TIME

Pursuant to the letter from this Court dated September 24, 2020 and Rules 208 and 209 of the South Carolina Rules of Appellate Procedure, Appellant requests to file his initial brief out of time. In support of this request, Appellant would show:

Appellant’s counsel submitted the Notice of Appeal in this case on August 13, 2020. Same was received by this Court on August 17, 2020. However, Appellant’s counsel received correspondence from this Court dated August 21, 2020 indicating that a proof of service showing that a copy has been served on the clerk of the lower court had not been provided as required by Rule 203(e), SCACR. Appellant’s counsel understood this to mean that the Notice of Appeal had not yet been perfected. Appellant then filed a copy of the Notice of Appeal with the lower Court on August 24, 2020.

Appellant's counsel then mistakenly calendared September 24, 2020 as the deadline to serve one copy of the initial brief on all parties, and to file with the clerk of this Court one copy of the brief with proof of service. However, Appellant's counsel received correspondence from this Court on September 24, 2020 indicating that the time to serve the initial brief and accompanying documents should have been calendared for September 14, 2020. Appellant was then given ten (10) days from September 24, 2020 to file the within Motion, along with the initial brief and other required submissions.

Appellant's counsel requests that the Court forgive the calendaring error and permit the within appeal to proceed.

Respectfully submitted,

Truslow & Truslow Law Firm



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PROOF OF SERVICE

I, Neal D. Truslow, Esquire, attorney for Appellant, certify that a true and correct copy of the forgoing document(s) was served upon all parties of record listed below by placing a copy in the United States Mail to the following address:

Attorney for Respondent
Ross B. Plyler, Esquire
Roe Cassidy
P.O. Box 10529
Greenville, SC 29603

DOCUMENT(S): 1. **MOTION TO FILE OUT OF TIME**



Neal D. Truslow

Columbia, South Carolina

September 30, 2020