

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM ANDERSON COUNTY  
Court of Common Pleas

J. Cordell Maddox, Jr, Judge

Case No. 2017-CP-04-02099  
Appellate Case No. 2020-000421.

**RECEIVED**  
**Dec 31 2020**  
**SC Court of Appeals**

John Harbin,

Appellant,

v.

April Blair, Tracy Dunn, HUB Enterprises, Inc.,  
Shawn Conway, Gallivan White & Boyd,  
Sam Nikopoulos, and John Doe,

Respondents,

**MOTION FOR LEAVE TO ALLOW LATE FILING OF  
RECORD ON APPEAL**

Appellant respectfully requests leave to file and serve out of time the Record on Appeal in the above-mentioned case. In support of this request, Appellants state as follows:

On November 30 2020, Appellant submitted his Reply Brief of Appellant on the above-captioned appeal. Based on Rule 210(a) of the SCACR, the deadline for serving the Record on Appeal was on December 30, 2020.

Counsel for Appellant relies on the following reasons, in addition to the routine matters that counsel must attend to in daily practice to explain the delay in the filing and service of the Record and Briefs.

Due to the number of parties involved and the sheer volume of pleadings submitted in the lower court, Appellant had difficulty sorting through the materials to be included in this Record. On December 29, 2020, Appellant had to inquire with the Court of Appeals to address the exhibits offered by all the parties to the case. Unfortunately, while counsel's staff was able to leave a message, nobody returned her call. This has caused the filing of this Record on Appeal to be delayed.

This request is not sought for delay but so that justice may be done. Appellant prays the lack of resulting prejudice to opposing counsel will allow the Court to grant this Motion. Therefore, Appellants respectfully request this Honorable Court to allow them to file and serve the enclosed pleadings.

Anderson, South Carolina  
December 31, 2020

**s/Donald L. Smith**

Donald L. Smith (SC Bar#6699)

122 N. Main Street

Anderson, SC 29621

Telephone: (864) 642-9284

Facsimile: (864) 642-9285

[attorneydonaldsmith@gmail.com](mailto:attorneydonaldsmith@gmail.com)

*Attorney for Appellant*