

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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SC Court of Appeals

APPEAL FROM ORANGEBURG COUNTY
The Honorable Edgar W. Dickson, Circuit Court Judge

Case No. 2018-CP-38-01339
Appellate Case No. 2020-000451

Rufus Rivers and Merle Rivers, pro se Appellants,

v.

James Smith, Jr.. Respondent.

MOTION TO FILE OUT OF TIME

Respondent requests permission of the Court to file its Final Brief of Respondent out of time. By letter dated January 4, 2021, the Clerk of Court directed Respondent to file its Final Brief of Respondent within 10 days. In order to prepare the Final Brief of Respondent, counsel for Respondent needed to prepare a proposed Second Amended Record on Appeal so as to include materials left out of Appellants' Amended Record on Appeal. Preparation of the proposed Second Amended Record on Appeal and the Motion to Amend the Record on Appeal delayed preparation of Respondent's Final Brief such that counsel for Respondent filed the Final Brief of Respondent on day eleven rather than day ten following the Clerk's correspondence. For this reason, Respondent respectfully requests that this Court permit the filing out of time of Respondent's Final Brief.

s/ Kathleen McDaniel
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Columbia, South Carolina

January 25, 2021