

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

94373

APPEAL from Court of Common Pleas of CHARLESTON COUNTY

Capers G. Barr, III, Special Referee

Appellate Case No. 2021-000185

Case No. 2019-CP-10-03042

RECEIVED

JUN 30 2021

SC Court of Appeals

Judith A. Brown, as Personal Representative for the Estate of Mildred C. Knight, and
Norman R. "Bobby" Knight III, Appellants

v.

Chloe Knight Tonney, Respondent.

**MOTION TO REQUEST PERMISSION TO FILE APPELLANTS' INITIAL BRIEF
WITH PROOF OF SERVICE OUTSIDE OF FILING DEADLINE**

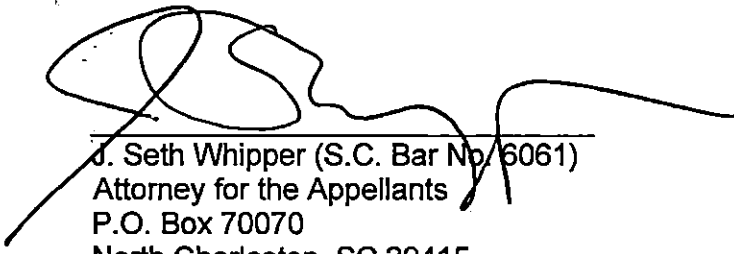
NOW come Appellants requesting permission to file Appellants' Initial Brief
and Proof of Service Outside of the filing deadline for the following reasons:

1. The computer monitor that receives the Courts notices and letters, was, on the day of service, under the use of temporary and general office staff;
2. The person normally assigned to that location was out on medical leave;
3. In transmitting and managing this notice and order, the cover letter associated with the order did not get the proper delivery, and through inadvertence and mistake, counsel and other persons involved with the appeal were not notified of the Clerks new deadline.

Appellants contend that the interests of justice will be served by granting this motion. Dixon v. Besco Engineering, Inc. 320 S.C. 174, 463, S.E.2d 636, 638 (Ct. App.1995).

This motion is based on South Carolina Rules of Court and Applicable Case Law.

June 28, 2021



J. Seth Whipper (S.C. Bar No. 6061)
Attorney for the Appellants
P.O. Box 70070
North Charleston, SC 29415
843-740-7777

Other Counsel of Record:
Charles S. Altman
Attorney for Respondent
575 King Street, Suite A
Charleston, SC 29403

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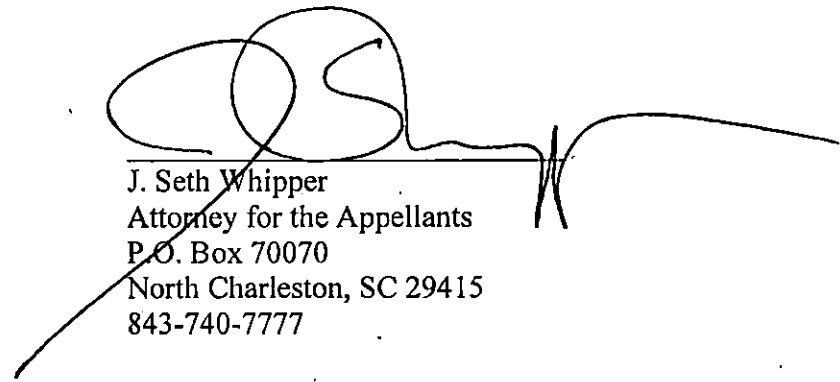
v.

Chloe Knight Tonney.....Respondent

PROOF OF SERVICE

The undersigned hereby certifies that the true copy of the foregoing Appellants' Motion To Request Permission to File Appellants' Initial Brief Outside of Filing Deadline has been served on the South Carolina Court of Appeals by depositing a copy to them in the United States Mail, postage prepaid, on June 28, 2021, addressed to Clerk, South Carolina Court of Appeals, Post Office Box 11629, Columbia, South Carolina 29211 and served the same on Charles S. Altman, Attorney for Respondent, 575 King Street, Suite A, Charleston, SC 29403.

June 28, 2021


J. Seth Whipper
Attorney for the Appellants
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CHERYL WHIPPER HAMILTON
J. SETH WHIPPER

MAILING ADDRESS
POST OFFICE BOX 70070
NORTH CHARLESTON, SC 29415

June 28, 2021

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

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JUN 30 2021

SC Court of Appeals

Re: **Judith A. Brown, as Personal Representative for the Estate of Mildred C. Knight and Norman R. "Bobby" Knight III, Appellants v. Chloe Knight Tonney, Respondent Appellants' Case No. 2021-000185**
Motion to File Out of time – For filing
6 Copies of Motion to File Out of Time
Proof of Service – For Filing

Dear Ms. Kitchings:

Find enclosed check number #10810 in the amount of \$50.00 for filing. Also, enclosed for filing are the following documents: Motion to File out of Time and Proof of Service in the above case. I have enclosed a self-addressed, stamped envelope for returning the conformed copy.

Thank you for your assistance and cooperation with this matter.

Sincerely,
WHIPPER LAW FIRM

J. Seth Whipper, Esquire

JSW/lfs
Enclosures

xc: Bobby Knight
Judith L. Brown
Charles A. Altman, Esq.



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