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Sep 14 2021
SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Jennifer B. McCoy, Circuit Court Judge

Case Number: 2020-CP-10-03549

Appellate Case No: 2021-000105

Fred Holland Realty, Inc. and LaJuan Kennedy..... Appellants

v.

The City of Folly Beach..... Respondent

MOTION TO FILE FINAL BRIEF OF APPELLANTS OUT OF TIME

Appellants Fred Holland Realty, Inc. and LaJuan Kennedy, by and through their undersigned counsel of record, respectfully submits to this Court a Motion to File Final Brief of Appellants out of time, which said Final Brief was due on September 8, 2021.

In support of his motion Appellant states the following:

1. The undersigned counsel apologizes to the Court for not timely filing the Final Brief of Appellants. Specifically, the undersigned counsel notes by way of explanation that the due date for the Appellants' was inadvertently improperly calendared by counsel's office in that counsel mistakenly thought he had thirty (30) days, not twenty (20) days in which to file the Final Brief of Appellants, after the filing of the Proof of the Service of the Record on Appeal upon Respondent on August 19, 2021. The undersigned

counsel requests the understanding and consideration of the Court and respectfully requests this Court to grant the Appellant's Motion to File Final Brief of Appellants out of time.

2. The further basis for this request is that as soon as the calendar error was discovered by Appellant's counsel, Appellant's counsel immediately notified the Court, and has completed the Final Brief of Appellants and taken it to the printer to be processed and bound; as a result, there will be no significant delay in Appellants counsel filing the Final Brief of Appellants, and the Attorney for Respondent has not objected to Appellant's Motion to File Final Brief of Appellants as untimely filed.

WHEREFORE, the Appellants respectfully request that they be granted their requested Motion to file Final Brief of Appellants out of time.

September 14, 2021

s/John Carrigg
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Attorney for Appellants

Other Counsel of Record:
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The Honorable Jennifer B. McCoy, Circuit Court Judge

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Fred Holland Realty, Inc., and LaJuan Kennedy.....Appellants.
v.

The City of Folly Beach.....Respondent.

PROOF OF SERVICE

I certify that I have served the Motion to File Final Brief Out of Time of Appellants Fred Holland Realty, Inc., and LaJuan Kennedy on the above-listed Respondent by depositing a copy of it in the United States Mail, postage prepaid, on September 14, 2021 addressed to Respondent’s attorneys of record as detailed below and was served via email to opposing counsels email, jwilson@cityoffollybeach.com .

September 14, 2021.

s/John Carrigg
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September 14, 2021

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

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SC Court of Appeals

RE: Fred Holland Realty, Inc., and LaJuan Kennedy v. The City of Folly Beach
Civil Action No.: 2020-CP-10-03549
Appellate Case No: 2021-000105

Dear Ms. Kitchings:

Enclosed please find Appellant's Motion to File Final Brief of Appellant Out of Time, seeking permission to file the Final Brief. Please return by email a stamped/ filed copy of the motion.

I will be enclosing with the mailed copy of the letter my check in the amount of \$50.00 representing the filing fee. I am also enclosing with the letter the original loose leaf and the bound copy of the Final Brief of Appellant.

By copy of this letter, we are also serving counsel for the Respondent, Joseph Wilson, IV, with this Motion and the Final Brief of Appellant.

Thank you for your consideration in this matter.

With highest regards, I remain

Very truly yours,

s/John Carrigg
John Carrigg

JWC/adr

Enclosure(s)

CC: Joseph Wilson, IV, counsel for Respondent, The City of Folly Beach. Via US Mail and email: jwilson@cityoffollybeach.com