

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

J. Ernest Kinard, Jr., Circuit Court Judge

Case No. 08-CP-40-8854

Phillip D. Grimsley, Sr., and
Roger M. Jowers, on behalf of
themselves and others similarly situated,

Appellants,

vs.

South Carolina Law Enforcement Division
and the State of South Carolina,

Respondents.

MOTION TO FILE REPLY BRIEF OUT OF TIME

Appellants Phillip D. Grimsley, Sr. and Roger M. Jowers hereby move for an extension of time in which to file their Reply Brief out of time. Respondents filed and served their Brief on April 1, 2013. Due to an intraoffice clerical filing error, Respondent's brief was not provided to undersigned counsel. The ten-day period in which to reply expired on April 11, 2013. Appellants request a ten-day extension (until April 21, 2013) in which to file their Initial Reply Brief. Counsel for Respondent has been consulted and consent to the extension.

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SC Court of Appeals



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Attorneys for the Appellants

Columbia, South Carolina

April 15, 2013

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

J. Ernest Kinard, Jr., Circuit Court Judge

Case No. 08-CP-40-8854

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Phillip D. Grimsley, Sr., and
Roger M. Jowers, on behalf of
themselves and others similarly situated,

Appellants,

vs.

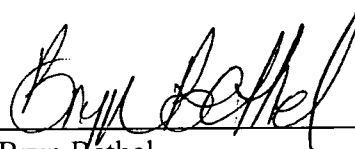
South Carolina Law Enforcement Division
and the State of South Carolina,

Respondents.

PROOF OF SERVICE

I, Bryn Bethel, employee of the law firm of Lewis, Babcock & Griffin, L.L.P., hereby certify that I have served a Motion to File Reply Brief Out of Time upon opposing counsel by hand delivering a copy of same to opposing counsel addressed as follows:

Kenneth P. Woodington, Esquire
Davidson & Lindermann, PA
1611 Devonshire Drive
Columbia, South Carolina 29204



Bryn Bethel

This 15th day of April, 2013.

A. CAMDEN LEWIS
KEITH M. BABCOCK
JAMES M. GRIFFIN
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OF COUNSEL
J. RYAN HEISKELL
ALSO ADMITTED IN D.C.

April 15, 2013

HAND DELIVERED

Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
1015 Sumter Street
Columbia, South Carolina 29201

Re: Phillip D. Grimsley, Sr., et al. v. South Carolina Law Enforcement Division and
The State of South Carolina, Civil Action No. 2008-CP-40-08854
Our File No. 08-527
Appellate Case No. 2012-212815


Dear Ms. Kitchings:

Enclosed please find the original and seven copies of a Motion to File Brief Out of
Time, along with \$25.00 filing fee, for filing with your office.

By copy of this letter, we are hereby serving a copy of same upon opposing counsel.

Very truly yours,

LEWIS, BABCOCK & GRIFFIN, L.L.P.


Ariail E. King

AEK/cg
Enclosure

cc: Kenneth P. Woodington, Esquire
Richard A. Harpootlian, Esquire
John A. O'Leary, Esquire

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