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Oct 08 2021

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

Appeal from Anderson County
In the Court of Common Pleas
Hon. Roy R. Hemphill, Master-in-Equity presiding

2019-CP-04-00744

James E. Allen and Diane F. Allen.....Respondents,

Versus

Bry Tye Moats Construction Co., LLC and Russell T. Moats.....Appellants.

**MOTION TO FILE
THE APPELLANTS' INITIAL BRIEF
OUT OF TIME, AND MOTION FOR
EXTENSION OF TIME TO FILE THE
APPELLANTS' INITIAL BRIEF**

s/Scarlet B. Moore

Scarlet B. Moore, #72534
Attorney for Appellants
P.O. Box 17615
Greenville, S.C. 29606
(864) 214-5805
(864) 752-0930 (FAX)

October 8, 2021

NOW INTO COURT, come the Appellants, who move this Honorable Court for an Order permitting the Appellants to file the Appellants' Initial Brief and Designation of Matter for the Record on Appeal out of time, and for an extension of time to file the Appellants' Initial Brief and Designation of Matter for the Record on Appeal, for thirty (30) days, for the following reason, to wit:

As an initial matter, counsel has already received the transcript in this matter: at trial, the Appellants engaged a court reporter to record and transcribe the final hearing, and the court reporter provided a copy to the Appellants. Secondly, in reviewing the materials and issues raised in this case, I have determined that I need additional time to draft the initial brief and designation of matter for the record on appeal. I appreciate any consideration that the Court would give to my request.

WHEREFORE, the Appellants pray that this Honorable Court will permit the Appellants to file the Appellants' Initial Brief and Designation of Matter for the Record on Appeal out of time, and for an extension for thirty (30) days.

Respectfully Submitted,

s/Scarlet B. Moore

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Attorney for Appellants
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CERTIFICATE OF SERVICE

I certify that on this date, October 8, 2021, I served a copy of the **Appellants' Motion to File the Initial Brief and Designation of Matter for the Record on Appeal Out of Time and for an Extension of Time to File the Initial Brief and Designation of Matter for the Record on Appeal** on opposing counsel to their respective **E-MAIL** addresses, pursuant to the Order of the Supreme Court Appellate Case No. 2020-000447(g)(3).

daveb@mssblawfirm.com
marshalls@mssblawfirm.com

s/Scarlet B. Moore

Scarlet B. Moore, #72534
Attorney for Appellants
P.O. Box 17615
Greenville, S.C. 29606
(864) 214-5805 / (864) 752-0930 (FAX)

October 8, 2021
Greenville, South Carolina

SCARLET B. MOORE, ESQ.

Attorney at Law

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GREENVILLE, SC 29606
(864) 214-5805
(864) 752-0930 (FAX)

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SC Court of Appeals

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Jenny Abbott Kitchings
Clerk, The South Carolina Court of Appeals
P.O. Box 11629
Columbia, S.C. 29211

**RE: James E. Allen and Diane F. Allen v. Bry Tye Moats Construction Co., LLC
and Russell T. Moats, 19-CP-04-00744**

Dear Madam Clerk,

Enclosed please find the Appellants' Motion to File the Initial Brief and Designation of Matter for the Record on Appeal Out of Time, and for an Extension of Time to File the Initial Brief and Designation of Matter for the Record on Appeal, in the above titled matter. As I am filing this motion electronically, I will forward the filing costs of \$50.00 to the Court of Appeals by mail.

Please let me know if you have questions regarding the enclosed. With kind regards, I remain

Very Truly Yours,

s/Scarlet B. Moore

Scarlet B. Moore, Esq.
Counsel for Appellant

SBM/sfk

Cc: David J. Brousseau, Esq.
Marshall P. Sherard, Jr., Esq.