

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM AIKEN COUNTY
Court of Common Pleas

The Honorable J. Cordell Maddox, Jr.

Case No. 2016-CP-02-00263
Appellate Case No. 2020-001103

RECEIVED

Oct 29 2021

SC Court of Appeals

Robin Napier, individually and on behalf of all others similarly situated,.....Appellant,

v.

Mundy's Construction, Inc. d/b/a Mundy Construction,..... Respondent.

**APPELLANT'S AMENDED MOTION FOR EXTENSION OF TIME
TO FILE FINAL REPLY BRIEF**

JUSTIN O'TOOLE LUCEY, P.A.

/s/Justin Lucey

Justin O'Toole Lucey (SC Bar No. 15438)

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Attorneys for Appellant

Pursuant to the South Carolina Appellate Court Rules (“SCACR”), Appellant, Robin Napier, individually and on behalf of all others similarly situated, respectfully amends her motion for an order extending the time to file her Final Reply Brief, filed on October 28, 2021, for the limited purpose of appending Appellant’s Final Reply Brief hereto.

As discussed in the initial Motion, Appellant timely filed an Initial Reply Brief on February 19, 2021; the Record of Appeal was thereafter filed on March 23, 2021 (both confirmed by the below docket excerpt), thereby making Appellant’s Final Briefs due on April 12, 2021:

10/22/2021	Correspondence - Outgoing (6 Bound Copies)	
04/12/2021	Final Brief - Respondent	
04/12/2021	Final Brief - Appellant	
03/23/2021	Record - Record on Appeal Filed	
03/23/2021	Record - Proof of Service of Record on Appeal	
02/19/2021	Initial Brief - Reply	
02/19/2021	Designation of Matter - Designation of Matter Filed (Amended with Reply)	
02/09/2021	Designation of Matter - Designation of Matter Filed	
02/09/2021	Initial Brief - Respondent	

Appellant’s paralegal consulted Rule 211, SCACR, when preparing the Final Brief, but failed to realize the “final brief(s)” referenced in the Rule included the Reply Brief filed by an Appellant. This oversight was missed by Appellant’s counsel when he approved the Final Brief for filing. These two oversights led to the omission of a Final Reply Brief.¹ Pursuant to Rule 211, SCACR, the Court does not allow any changes to Final Briefs beyond the addition of record cites and the correction of typographical errors. Therefore, there is no prejudice to Respondent by allowing the correction of this oversight.

The omission came to light this week when opposing counsel responded to the Court’s email request last week for printed documents (which request Appellant was not copied on). When

¹ By way of understanding and not of excuse, Appellant’s oversight was apparently also missed by the Court and opposing counsel.

Respondent sent printed copies of the Final Brief and ROA, the Reply Brief omission came to light.

Appellant consulted with opposing counsel prior to filing this motion and Respondent did consent to the grant of the relief requested herein.

THEREFORE, Appellant moves this Court for an Order allowing her to file the attached Final Reply Brief within three (3) days of the grant of this Motion.

JUSTIN O'TOOLE LUCEY, P.A.

By: /s/Justin O'Toole Lucey

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October 29, 2021
Mount Pleasant, SC