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**Feb 04 2022**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

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APPEAL GREENVILLE COUNTY

Court of Common Pleas

Perry H. Gravely, 13<sup>th</sup> Circuit Judge

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Appellate Case No. 2020-001182

Sean Eric Roach,

Respondent,

v.

Lee C. Yarborough

Appellant,

**MOTION TO FILE FINAL REPLY BRIEF OUT OF TIME**

s/ Wesley D. Few/

**Wesley D. Few, LLC**

Post Office Box 9398

Greenville, SC 29604

(864) 527-5906 | [wes@wesleyfew.com](mailto:wes@wesleyfew.com)

ATTORNEYS FOR APPELLANT LEE C.  
YARBOROUGH

Pursuant to Rules 240 and 267, Appellant Lee C. Yarborough, respectfully moves for leave to file their Final Reply Brief out of time. As good cause, Appellant would show:

1. Appellant's Initial Reply Brief was due on March 18, 2021.
2. Appellant's Record on Appeal was due on April 19, 2021.
3. Appellant's Final Brief and Final Reply Brief was therefore set to be due on May 10, 2021.
4. Appellant filed their Final Brief by the deadline of May 10, 2021, but somehow left out the prepared Final Reply Brief that was to be filed as well.
5. This error was only realized by the Appellant when they received a phone call from the Court of Appeals last week of the deficiency. Upon this realization, the Appellant spoke to the Court again to go over how to resolve the filing of the Final Reply Brief and to get the Court requested copies of bound documents.
6. This motion is filed, not for delay, but in the interests of justice so that the Court may have all arguments of counsel and at the direction of the Court. No prejudice will occur from allowing the filing of this final reply brief out of time.

Respectfully submitted,

/s/Wesley D. Few

**Wesley D. Few, LLC**  
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Greenville, SC 29604  
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ATTORNEY FOR APPELLANT LEE C.  
YARBOROUGH

Greenville, South Carolina  
February 4, 2022

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SC Court of Appeals

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY

Court of Common Pleas

Perry H. Gravely, Thirteenth Circuit Judge

Appellate Case No. 2020-001182

Lee C. Yarborough,

Appellant,

v.

Sean Eric Roach,

Respondent.

**PROOF OF SERVICE**

The undersigned hereby certifies that on February 4, 2022, the **Appellant Lee C. Yarborough's Motion to File Final Reply Brief out of Time, Final Reply Brief to be Included in the Record on Appeal, 1 bound copy of the Final Reply Brief, 1 bound copy of the Record on Appeal, 1 bound copy of the Final Brief, and motion filing fee check of \$50.00** were served on all counsel of record and the Court of Appeals Clerk of Court via Email and / or U.S. Mail and / or Hand-Delivery, as follows:

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

David E. Rothstein, Esq.  
1312 Augusta Street  
Greenville, SC 29605

ATTORNEYS FOR RESPONDENT SEAN ERIC ROACH

/s/Cassy Young

Cassy Young

February 4, 2022  
Columbia, South Carolina

# WESLEY D. FEW, LLC

Attorney at Law

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SC Court of Appeals

February 4, 2022

## Via U.S. Mail

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

**RE:** Sean Eric Roach, Respondent v. Lee C. Yarborough, Appellant  
Appellate Case No: 2020-001182  
Case No.: 6:19-cv-03546-HMH  
Our File No.: 00280-002

Dear Clerk of Court,

Enclosed for filing is Appellant Lee C. Yarborough's Motion to File Final Reply Brief out of Time, Final Reply Brief to be Included in the Record on Appeal, 1 bound copy of the Final Reply Brief, 1 bound copy of the Record on Appeal, 1 bound copy of the Final Brief, and motion filing fee check of \$50.00 and Proof of Service for same. Please email us a file-stamped copy for our files to [cassy@wesleyfew.com](mailto:cassy@wesleyfew.com).

With warm regards, I remain

Very Truly Yours,



Wesley D. Few

WDF/cgy

Enclosures

CC: David E. Rothstein, Esq. (*Via U.S. Mail*)  
Client (*Via Email only*)