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Mar 02 2022

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Williamsburg County Court of Common Pleas
Kristi F. Curtis, Circuit Court Judge
Case No.: 2014-CP-45-00132

Case No.: 2021-000835

**South Carolina Farm Bureau Mutual
Insurance Company,**

Plaintiff-Appellant,

v.

Marion L. Driggers,

Defendant-Appellant,

and

**Shiralee Driggers, Tammy D. Floyd,
Estate of Arthur McKenzie, The
Travelers Home and Marine Insurance
Company, The United States of
America acting by and through Its
agency, The Internal Revenue Service,
and The South Carolina Tax
Commission,**

Of Whom,

**The Travelers Home and Marine
Insurance Company is the,**

Defendant-Respondent.

**MOTION FOR SECOND EXTENSION OF TIME TO FILE BRIEF
FOR DEFENDANT-APPELLANT**

AND NOW, comes Defendant-Appellant, Marion L. Driggers, by and through
his undersigned counsel, and in support of this Motion for Extension of Time to File

Brief for Appellant, avers as follows:

1. Appellant's brief is currently due on March 4, 2022.
2. On December 1, 2015, Appellant filed a motion to amend his Answer, along with an Exhibit of his proposed Amended Answer. Judge George C. James Jr. purportedly granted such motion on January 7, 2016, and the Exhibit effectively became Appellant's Answer.
3. A copy of Judge James' signed Order dated January 7, 2016, was not retained by Appellant's former counsel or Appellant, is not available via the Williamsburg public index (and such public index contains no reference to such order) and the Williamsburg County Court of Common Pleas has also been unable to locate such Order; however, such order is referenced in a subsequent Order of Judge Curtis dated September 28, 2020, and presumably ratified by the same.
4. A copy of Appellant's Motion and Exhibit/Amended Answer was not retained by Appellant's former counsel or Appellant, is not available via the Williamsburg public index (although such public index does contain a reference) and the Williamsburg County Court of Common Pleas has only very recently been able to provide Appellant's current counsel with a copy to such Exhibit/Amended Answer.
5. Appellant's Amended Answer contains the very basis of this appeal, as it contains Appellant's legal argument presented to the lower court upon which it ruled; because Counsel has been unable to obtain a copy of Appellant's Amended Answer until very recently, Counsel for Appellant as been unable to complete the initial brief which is presently due, and Counsel requests a second extension to file its initial brief.
6. Accordingly, it is respectfully requested that the Court grant an additional 30-day extension of time for the filing of Appellant's brief.

7. There will be no prejudice to Respondent in granting this additional extension of time to file the Initial Brief, and Appellant does not believe that any additional extension will be necessary or requested.

8. This Motion is made in good faith, and is not sought for purposes of delay but so that justice may be served.

Accordingly, pursuant to Rule 263(b), Appellant requests that the Court grant an additional thirty (30) days within which to file his initial brief.

Respectfully submitted,



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Dated: March 2, 2022
Myrtle Beach, South Carolina

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America acting by and through Its
agency, The Internal Revenue Service,
and The South Carolina Tax
Commission,**

Of Whom,

**The Travelers Home and Marine
Insurance Company is the,**

Defendant-Respondent.

PROOF OF SERVICE

I certify that on this date a copy of the foregoing **APPELLANTS' SECOND MOTION FOR EXTENSION OF TIME TO FILE BRIEF** was served on each party or counsel of record by mailing or hand delivery in the manner prescribed by the applicable Rule of Civil Procedure as follows:

By e-mail directed to the address registered with AIS:

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Dated: March 2, 2022
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