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Apr 25 2022

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM BEAUFORT COUNTY

Court of Common Pleas

Hon. Bentley D. Price, Judge

Appellate Case No. 2022-000213

Valerie Julia Brown

Appellant

v.

Ramiro Rodriguez,

Respondent

MOTION TO HOLD OR RECALL REMITTITUR
AND TO REINSTATE APPEAL and
TO EXTEND TIME FOR FILING PROOF OF SERVICE

Appellants, by and through their undersigned counsel, move this Honorable pursuant to Rule 260, SCRAP Court for an order holding the remittitur or recalling the remittitur, in that the Court's order granting the Motion for Dismissal dated April 14, 2022 and to grant an extension of time to file the Proof of Service at this time.

Appellant's counsel erred in failing to file Proof of Service at the time the Notice of Appeal was filed, but it is undisputed that the Notice of Appeal was, in fact, served on opposing counsel in a timely manner, as evidenced by the Court's own records.

Counsel was mistakenly informed and believed that under our uniform court system that e-filing had eliminated the necessity of attaching proof of service to pleadings except in those cases involving *Pro Se* parties. *The act of E-Filing the pleading, motion or other paper is the equivalent of depositing it in the United States Mail under Rule 5(b)(1), SCRPC.* The NEF constitutes proof of service under Rule 5(b), SCRPC, Counsel has re-examined the SCRAP in finds that it differs from the SCRPC and now understands that in addition to service by email a *Proof of Service* of sending the e-mail is also required under the SCRAP.

WHEREFORE, having fully set forth the grounds for the relief sought herein, Appellant moves for an order holding the remittitur or, if it has been sent to the circuit court, recalling the remittitur, and granting an extension.

Respectfully submitted,

The Houston Law Firm LLC
1000 Main Street
Hilton Head, SC 29926
Phone 843-715-9078

S/ Charles E. Houston Jr.
By Charles E. Houston Jr.
S. C. Bar No. 2663

April 24, 2022
Hulton Head Island, SC

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PROOF OF SERVICE

I hereby certify that this law firm represents the Appellants in the above captioned matter and that on the date below at Hilton Head Island, South Carolina, I served a copy of the foregoing on the following persons by US mail, first class postage prepaid, and an electronic mail to his AIS email address:

Documents served:

(1) Proof of Service and

(2) Appellants' Motion to Recall Remittitur and Grant Extension of Time to
File Proof of Service

Parties Served:

Terry A. Finger, Esq.
Finger, Melnick, Brooks & Labruce, PA
35 Hospital Center, Suite 200
P.O. Box 24005
Hilton Head Island, SC 29925

This 24th day of April 2022 at Hilton Head Island, SC

The Houston Law Firm LLC
1000 Main Street, Suite 200C
Hilton Head Island, SC 29926
Phone: 843-715-9078
chouston@houstonlawfirm.net

By 

Charles E. Houston, Jr.
SC Bar # 2663