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Apr 28 2022

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM NEWBERRY COUNTY
Donald B. Hocker, Circuit Court Judge

Trial Court Case No. 2020-CP-36-00506
Appellate Case No. 2021-000817

Terence L. Rush,..... Appellant,

v.

Michael B. Stribble,..... Respondent.

**MOTION TO FILE INTITAL BRIEF AND DESIGNATION OF MATTER
OUT OF TIME ON BEHALF OF RESPONDENT MICHAEL B. STRIBBLE**

DAVIDSON, WREN & DEMASTERS, P.A.
DAVID A. DEMASTERS
ddemasters@dml-law.com
1611 Devonshire Drive - Second Floor
Post Office Box 8568
Columbia, South Carolina 29202
(803) 806-8222

Attorneys for Respondent Michael B. Stribble

Pursuant to Rules 240 and 267, Respondent Michael B. Stribble respectfully moves for leave to file his Initial Brief and Designation of Matter out of time. As good cause, Respondent would show:

- 1) Respondent Michael Stribble did not receive Appellant's Initial Brief. According to the South Carolina Appellate Case Management System, Appellant's Initial Brief was filed on December 6, 2021. Making Respondent's Initial Brief due on January 5, 2022. However, the undersigned was not aware Appellant had filed his Initial Brief until April 26, 2022 when the undersigned received correspondence regarding the time for serving and filing the initial brief and designation of the matter had expired.
- 2) Appellant properly filed his Designation of the Matter with Proof of Service on April 21, 2022.
- 3) Due to counsel for the Respondent only recently receiving Appellant's Designation of the Matter and becoming aware of Appellant's Initial Brief, the undersigned would respectfully request a thirty (30) day extension from today's date to file his Initial Brief and Designation of the Matter. Making those items due on or before **May 27, 2022**.

4) This motion is filed, not for delay, but in the interests of justice so that the Court may have all arguments of counsel. No prejudice will occur from allowing the filing of Respondent's Initial Brief and Designation of Matter out of time.

Respectfully submitted,
DAVIDSON, WREN & DEMASTERS, P.A.


By: s/ David A. DeMasters

David A. DeMasters, Esq,
ddemasters@dml-law.com
1611 Devonshire Drive
P.O. Box 8568
Columbia, SC 29202
(803) 806-8222

Attorney for Respondent
Michael B. Stribble

Columbia, South Carolina
April 28, 2022

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Terence L. Rush,..... Appellant,

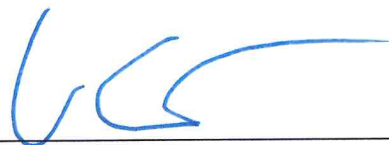
v.

Michael B. Stribble,..... Respondent.

PROOF OF SERVICE

The undersigned hereby certifies that on April 27, 2022, the Respondent Michael B. Stribble's Motion to File Initial Brief and Designation of Matter Out of Time was served on all parties via U.S. Mail as follows:

Terence L. Rush #E03490
Taylor Correctional Institution – Main
8501 Hampton Springs Road
Perry, Florida 32348



DAVIDSON, WREN & DEMASTERS, P.A.

ATTORNEYS AND COUNSELLORS AT LAW

William H. Davidson, II
Michael B. Wren
David A. DeMasters

1611 Devonshire Drive, Second Floor (29204)
Post Office Box 8568
Columbia, South Carolina 29202-8568
Telephone: (803) 806-8222
Facsimile: (803) 806-8855

Of Counsel
Kenneth P. Woodington

April 28, 2022

Via U.S. Mail and Email (ctappfilings@sccourts.org)

The Honorable Jenny A. Kitchings
South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201

RE: Terence L. Rush v. Michael B. Stribble, et al.
Civil Action Number: 2018-CP-36-00465
Appellate Case No. 2021-000817
Claim Number: C4188
Date of Incident:
Our File Number: 103.10471

Dear Ms. Kitchings:

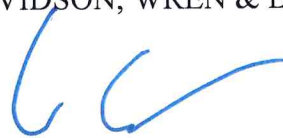
Enclosed please find for filing a **Motion to File Initial Brief and Designation of Matter Out of Time on Behalf of Respondent Michael B. Stribble and Proof of Service**, in the above-referenced matter.

I would kindly ask that you file the attached documents and please return an electronic version to us bearing the Court's filing stamp thereon. Also, the requisite filing fee in the amount of \$50.00 will be mailed, along with this letter, to your attention on behalf of the Court.

Thank you for your attention to this matter, and please do not hesitate to contact me if you have any questions or need anything further in this regard.

Very truly yours,

DAVIDSON, WREN & DEMASTERS, P.A.



David A. DeMasters

DAD/ldrt
Enclosure

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The Honorable Jenny A. Kitchings
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cc: (with Enclosure)

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