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May 20 2022

SC Court of Appeals

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM NEWBERRY COUNTY
Circuit Court for the Eighth Judicial Circuit

Frank R Addy, Jr., Circuit Court Judge

App. Case No. 2022-000276

Case No. 2017-CP-36-00385

Allen L. Murray, Christy Worthy Brown, Michael Adam Brown,..... Appellants,

vs.

Newberry County, South Carolina,.....Respondent.

**APPELLANTS’ MOTION TO FILE INITIAL BRIEF
AND DESIGNATION OF MATTER
OUT OF TIME AND FOR AN EXTENSION TO FILE
INITIAL BRIEF AND DESIGNATION OF MATTER**

Appellants Allen L. Murray, Christy Worthy Brown, and Michael Adam Brown respectfully move before this Court for an Order allowing Appellants to File their Initial Brief and Designation of Matter to be Included in the Record on Appeal out of time. Appellants would also move for a ten (10) day extension of time to file their Initial Brief and Designation of Matter to be Included in the record on appeal if their motion to file out of time is granted.

The Appellants’ motion is based on the grounds that on March 7, 2022, counsel for Appellants requested a copy of the transcript in this case from the Court Reporter, (Ms. Joy E. Holston) and provided the Court with a copy of that request. Subsequently, Appellants’ counsel received a copy of the transcript from Ms. Holston on March 9, 2020, but inadvertently did not

calendar receipt of the transcript, allowing the thirty (30) day period to file their Initial Brief and Designation of Matter to be Included in the Record on Appeal to expire. Appellants' counsel did not realize the deadline had not been calendared until receipt of the letter from Respondent's counsel to the Court dated May 18, 2022.

Counsel for Appellants are now finalizing their Initial Brief and Designation of Matter and will file them with the Court next week.

WHEREFORE, the Appellants respectfully request that they be granted leave to file their Initial Brief and Designation of Matter out of time and for an additional ten (10) days to file their Initial Brief and Designation of Matter once/in the event their Motion is granted.

Respectfully submitted,

MOORE BRADLEY MYERS LAW FIRM, P.A.

By: s/S. Jahue Moore
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West Columbia, South Carolina
May 20, 2022

Other Counsel of Record:
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ATTORNEYS FOR THE RESPONDENT

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PROOF OF SERVICE

I, Diane M. L. Corley, an employee of the Moore Bradley Myers Law Firm, P.A., certify that I have served the Respondent's Motion to File Respondent's Initial Brief and Designation of Matter to be Included in the Record and for an Extension of Time on the Respondent by transmitting a copy via electronic mail (email), on May 20, 2022, addressed to its attorney of record as follows:

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 Brendan J. Green

Retired
 J. Mark Taylor*†
 Robert D. Hazel†
 C. David Sawyer, Jr.†
 Billy C. Coleman (1916-2019)

May 20, 2022

The Honorable Jenny Abbott Kitchings
 Clerk, South Carolina Court of Appeals
 1220 Senate Street
 Columbia, South Carolina 29201
 VIA E-Filing

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SC Court of Appeals

RE: Allen L. Murray, et al., vs. Newberry County, SC
 Ct. App. No. 2022-000276
 Case No. 2017-CP-36-00385


Dear Ms. Kitchings:

Thank you for the Court's letter of May 17, 2022, requesting an update regarding the transcript requested in this matter.

Please find with this letter our motion to file our initial brief out of time and for an extension. A Proof of Service is also enclosed.

We will have our firm check in the amount of \$50.00 for the filing fee of the Motion to File out of Time and for an Extension delivered to the Court next week.

Thank you in advance for your assistance in this matter.

Sincerely,

 Diane M. L. Corley
 Legal Assistant to S. Jahue Moore

/li
 Enclosures
 cc: Austin J. Tothacer, Jr., Esq. (via email)
 Steve A. Matthews, Esq. (via email)