



IN THE COURT OF APPEALS

FOR THE STATE OF GEORGIA

J. SMITH LANIER & CO.,	)	
	)	
Appellant,	)	Case No. A04A2138
	)	
v.	)	On Appeal from the
	)	Superior Court of
ACCEPTANCE INDEMNITY	)	Gwinnett County
INSURANCE COMPANY,	)	Civil Action File No.
	)	02-A-10795-7
Appellee.	)	

**APPELLEE ACCEPTANCE INDEMNITY INSURANCE COMPANY'S  
MOTION FOR PERMISSION TO FILE SUR-RESPONSE BRIEF**

COMES NOW Acceptance Indemnity Insurance Company ("Acceptance") and, pursuant to Rule 24 of the Rules of the Court of Appeals of the State of Georgia, moves for permission to file the Sur-Response Brief that is attached hereto as Exhibit A.

On September 15, 2004, Appellant J. Smith Lanier & Company ("JSL") filed for permission to file an out-of-time Reply Brief. The attached Reply Brief outlined additional "facts" of record and several additional principles, allegations, and argument not made in its opening appeal brief. On October 18, 2004, this

Court granted JSL's motion and deemed the Reply Brief filed as of September 15, 2004.

Acceptance respectfully moves for permission to file a Sur-Response Brief to provide the Court with contrary record citations and responses to the new facts and argument presented by JSL in its Reply Brief.

Respectfully submitted this 25<sup>th</sup> day of October, 2004.

BUDD LARNER, P.C.



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