

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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Jul 01 2022

SC Court of Appeals

Appeal from Dorchester County
Court of Common Pleas

Maite Murphy, Circuit Court Judge

Case No. 2012-CP-18-02583

Court of Appeals Case No. 2019-000644
Unpublished Opinion No. 2022-UP-113 (S.C. Ct. App. filed March 16, 2022)

Supreme Court Case No. 2022-000847

Jennifer McFarland and Carlton Holcombe,

Petitioners,

v.

Thomas Morris and David Hannemann,

Respondents.

**MOTION FOR LEAVE TO MOVE FOR AN EXTENSION OF TIME
OUT OF TIME AND FOR SECOND EXTENSION OF TIME
TO SERVE/FILE PETITION FOR A WRIT OF CERTIORARI**

CLEMENT RIVERS, LLP
Russell G. Hines (SC Bar No. 72100)
25 Calhoun Street, Suite 400
Charleston, South Carolina 29401
P.O. Box 993 (29402)
(843) 720-5488

Attorney for Petitioners

NOW COME Petitioners, Jennifer McFarland and Carlton Holcombe, by and through their undersigned counsel, on the grounds stated below, pursuant to Rule 263(b), SCACR, as well as the Court’s order of July 16, 2014, regarding Extensions in Cases Seeking a Petition for a Writ of Certiorari to Review a Decision of the South Carolina Court of Appeals, and hereby move for leave to move for the relief sought herein out of time and for a second extension of ten (10) days’ time to file/serve their petition to this Court for issuance of a writ of certiorari to the Court of Appeals to review its decision in this matter.

The Court of Appeals decided this case by opinion filed March 16, 2022, and thereafter denied Petitioner’s timely petition for rehearing by order filed May 19, 2022, making the original deadline for Petitioners to file/serve a petition for a writ of certiorari Tuesday, June 21, 2022, according to the undersigned’s computation.¹

¹ Pursuant to Rule 242(c), SCACR, “A petition for writ of certiorari shall be served on opposing counsel and filed with proof of service with the Clerk of the Court of Appeals and the Clerk of the Supreme Court within thirty (30) days after the petition for rehearing or reinstatement is finally decided by the Court of Appeals.” The 30th day after May 19, 2022, was Saturday, June 18, 2022, and Monday, June 20, 2022, was a federal holiday (Juneteenth). Pursuant to Rule 263(a), SCACR, “In computing any period of time prescribed or allowed by these Rules, by order of court, or by any applicable statute, the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday or a state or federal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor such holiday.” Accordingly, the undersigned computed original the original deadline for Petitioners to file/serve a petition for a writ of certiorari to be Tuesday, June 21, 2022.

By motion filed/served June 17, 2022, the undersigned requested a first extension of ten (10) days, beyond June 21, 2022, i.e., an extension to July 1, 2022, according to the undersigned's computation.

By order filed June 21, 2022, the Court granted the undersigned's first motion for an extension, but the Court's order extended the deadline to June 30, 2022, not July 1, 2022. Through inadvertence, the undersigned had calendared the new deadline, i.e., the deadline with the grant of the first motion for an extension, as today, July 1, 2022, rather than yesterday, June 30, 2022, and did not realize this oversight until today.

With sincere apologies for not correctly calendaring the new deadline in accordance with the Court's June 21st order granting the first motion for an extension, and again due to due to other time commitments, both work- and non-work-related, the undersigned counsel for Petitioners requests leave to move for the relief sought herein out of time and for the grant of such relief, which is ten (10) additional days, beyond June 30, 2022, to prepare Petitioner's petition seeking this Court's review of the Court of Appeals' decision via writ of certiorari, the undersigned again submitting that there is good cause to allow the same, the requested leave and relief being in furtherance of the interests of justice, not unduly prejudicial to any other party, and consistent with the extension protocol established by the Court's aforementioned order of July 16, 2014.

WHEREFORE, Petitioners respectfully request that this Honorable Court grant them leave to move for an extension of time out of time and grant them an extension of ten (10) additional days' time, beyond June 30, 2022, to file/serve their petition for a writ of certiorari. With the extension requested herein, the new deadline for filing/serving their petition for a writ of certiorari would be Monday, July 11, 2022, according to the undersigned's computation, as the actual 10th day after June 30th is Sunday July 10th. *See* Rule 263(a). Further, Petitioners respectfully request that the Court hold their present deadline to petition for a writ of certiorari in abeyance until it acts upon this motion.

<SIGNED ON THE FOLLOWING PAGE>

Respectfully submitted,
CLEMENT RIVERS, LLP

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Attorney for Petitioners

Charleston, South Carolina

July 1, 2022

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Petitioners,

v.

Thomas Morris and David Hannemann,

Respondents.

PROOF OF SERVICE

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Attorney for Petitioners

I, Russell G. Hines, of Clement Rivers, LLP, attorney for Petitioners, hereby certify that Petitioners' **MOTION FOR LEAVE TO MOVE FOR AN EXTENSION OF TIME OUT OF TIME AND FOR SECOND EXTENSION OF TIME TO SERVE/FILE PETITION FOR A WRIT OF CERTIORARI** was served on Respondents on July 1, 2022, via email (see attached) to Respondents' counsel of record:

Morgan S. Templeton, Esquire
morgan.templeton@walltempleton.com
William W. Watkins, Jr., Esquire
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WALL TEMPLETON & HALDRUP, P.A.
P.O. Box 1200
Charleston, SC 29402

and

Graham P. Powell, Esquire
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THE POWELL FIRM LLC
409 Coleman Boulevard, Suite 200
Mount Pleasant, SC 29464

Attorneys for Respondents

I also certify that Petitioners' **MOTION FOR LEAVE TO MOVE FOR AN EXTENSION OF TIME OUT OF TIME AND FOR SECOND EXTENSION OF TIME TO SERVE/FILE PETITION FOR A WRIT OF CERTIORARI** was filed with the South Carolina Court of Appeals on July 1, 2022, via email (see attached) to ctappfilings@sccourts.org.

Respectfully submitted,
CLEMENT RIVERS, LLP

By: s/Russell G. Hines
Russell G. Hines (SC Bar No. 72100)

Attorney for Petitioners

Charleston, South Carolina

July 1, 2022

Bell, Pollyana (Polly)

From: Bell, Pollyana (Polly)
Sent: Friday, July 1, 2022 11:37 AM
To: 'morgan.templeton@walltempleton.com'; 'trey.watkins@walltempleton.com';
'graham@plawsc.com'
Cc: Hines, Russell; Justman, Aimee
Subject: McFarland v. Morris // Appellate Case No. 2022-000847 (Supreme Court); 2019-000644
(Court of Appeals)
Attachments: McFarland v. Morris - Mot. for 2d Ext. re Cert. Pet.pdf

Enclosed please find Petitioners' Motion for Leave to Move for an Extension of Time Out of Time and for Second Extension of Time to Serve/File Petition for a Writ of Certiorari which will be filed today in the above-referenced matter.

Thank you,

Pollyana Bell
Project Assistant
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