

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Richland County
Court of Common Pleas

The Honorable Robert E. Hood, Circuit Court Judge
Trial Court Case No. 2016-CP-40-00164

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Appellate Case No. 2017-001522

S.C. SUPREME COURT

Opinion No. 5738
Heard December 10, 2019 – Filed July 1, 2020
Withdrawn, Substituted and Refiled December 2, 2020

The Kitchen Planners, LLC, Appellant

v.

Samuel E. Friedman and Jane Breyer Friedman
and Branch Banking and Trust, Respondents

MOTION FOR EXTENSION OF TIME AND CONTINUANCE OF ORAL ARGUMENT

Respondents come before this Court and request a Motion for Extension of Time and Continuance of Oral Argument due to Respondents' counsel's unavailability due to an ongoing medical emergency. The Order promulgated by this Court, dated August 23, 2022, set forth the respective deadlines for filing briefs as well as the date for oral arguments. In relevant part, Petitioner's brief is due by September 22, 2022, if desired, and in the event such a brief is filed, Respondent shall have until October 21, 2022. Oral argument is scheduled for October 26, 2022.

Respondent's counsel, Charles Krawczyk, Esq., has been on medical leave since August 29, 2022 due to contracting the West Nile Virus. He was hospitalized for a period of two weeks in response to severe symptoms, including meningitis and encephalitis, among others. There is no known cure for West Nile Virus; care for the illness largely consists of treating symptoms as they appear and extensive bed rest. Mr. Krawczyk was discharged from the hospital on September 11, 2022, however, his doctors have recommended a period of at-home recovery for at least three months before returning to work, or December, 2022. Attached with this Motion is a doctor's note from Frederic Smith, M.D. confirming this recommended recovery time for Mr. Krawczyk. **(Exhibit A)**. Orders of Protection have been granted for Mr. Krawczyk in Richland, Lexington, Aiken, Berkeley, Charleston, York and Greenville Counties through Mid-October and will likely be extended due to Mr. Krawczyk's condition. **(Exhibit B)**. The deadlines and date for oral argument set forth in the Court's Order occur within Mr. Krawczyk's ordered recovery time. Based on his diagnosis and condition, he is medically and physically unable to participate in oral arguments or drafting briefs as scheduled.

Accordingly, Respondents' respectfully ask this Court extend the deadlines within the Court's Order and continue oral arguments until such a time as Mr. Krawczyk has recovered and is able to participate in briefing and arguing this case.

Respectfully submitted,

s/ Charles A. Krawczyk

Charles A. Krawczyk; SC Bar #: 16832

FINKEL LAW FIRM, L.L.C

1201 Main Street, Suite 1800

Post Office Box 1799

Columbia, South Carolina 29202

(803) 765-2935

(803) 973-0333 fax

ckrawczyk@finkellaw.com

Attorney for Respondents