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**Sep 28 2022**  
**SC Court of Appeals**

**THE STATE OF SOUTH CAROLINA**  
**IN THE COURT OF APPEALS**

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**APPEAL FROM CHARLESTON COUNTY**  
Court of Common Pleas for the Ninth Circuit

The Honorable Mikell Scarborough, Master in Equity

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**Case No.: 2016-CP-10-06265**  
**App. Case No. 2022-000078**

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TONY A. BILLIPS, individually and as a derivative shareholder of Alex’s Restaurants, Inc.,.....*Plaintiff/Respondent,*

v.

CAROLYN A. BILLIPS, individually and as Trustee of the benefit of Anthony Billips, William Casey Ivey, and Alex Billips, and as controlling person of Alex’s Restaurants, Inc. and ALEX’S RESTAURANTS, INC.,.....*Defendants/Appellants.*

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

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COME NOW the above-named Appellants (“Appellants”), pursuant to Rules 240 and 263(b), SCACR, moving this Court for an Order extending the time for filing and serving their Initial Reply Brief and Designation of Matter to be Included in the Record on Appeal which are currently due on or before October 10, 2022. This is Appellants’ second request for an extension.

This request is made due to the impending arrival of Hurricane Ian and the impact on Appellants counsel’s workload of preparing for and disruptions from the same. Accordingly, the

undersigned respectfully requests a further extension of time of five (5) days through October 15, 2022 for filing and serving Appellants' Initial Reply Brief and Designation of Matter to be Included in the Record on Appeal. As October 15 is a Saturday, this would make Appellants' brief due on Monday, October 17.

Counsel for Appellants would show that there is good cause to allow the requested extension of time, as it is in furtherance of the interests of justice; it will not result in any undue prejudice upon any other party.

**Respectfully submitted:**

September 28, 2022  
Charleston, South Carolina

**EPTING & RANNIK, LLC**

/s/ Jaan Rannik

Jaan G. Rannik

Clinton T. Magill

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*ATTORNEYS FOR DEFENDANTS/APPELLANTS*

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**PROOF OF SERVICE**

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I certify that I have served Appellants’ Motion for Extension of Time to file and service their Initial Reply Brief and Designation of Matter to be Included in the Record on Appeal, on opposing counsel via e-mail, on September 28, 2022, addressed to Respondent’s counsel of record.

Michael W. Sautter, Esq. – [mikewsautter147@aol.com](mailto:mikewsautter147@aol.com)

O. Grady Query, Esq. – [gquery@qlawsc.com](mailto:gquery@qlawsc.com)

Alexander Woods Tesoriero – [atesoriero@qlawsc.com](mailto:atesoriero@qlawsc.com)

A copy of the e-mail is attached to this Proof of Service as Exhibit A.

September 28, 2022  
Charleston, South Carolina

**EPTING & RANNIK, LLC**

/s/ Angela Gross

Angela Gross

Legal Assistant to Jaan G. Rannik and

Clinton T. Magill

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# EXHIBIT A

## Angela Gross

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**From:** Angela Gross  
**Sent:** Wednesday, September 28, 2022 10:18 AM  
**To:** mikewsautter147@aol.com; gquery@qlawsc.com; atesoriero@qlawsc.com  
**Cc:** asautter@qlawsc.com; tobrien@qlawsc.com; charleen.hamrick@derricklawfirm.com; Jaan Rannik; Angela Gross  
**Subject:** Tony Billips v. Carolyn Billips (2022-000078)  
**Attachments:** 2022 09 28 - Appellants' Motion for Extension of Time (App. No. 22-00078).pdf; 2022 09 28 - Ltr to Ct. Apps with motion fee for extension of time (App. No. 22-000078).pdf

Counselors:

Attached for service please find Appellants' Motion for Extension of Time to file their Initial Reply Brief and Designation of Matter in the above-referenced matter.

A Proof Service will follow under separate cover.

With kindest regards,



Angela Gross  
Legal Assistant to Andrew K. Epting, Jr., Esq.  
Jaan G. Rannik, Esq.  
Clinton T. Magill, Esq.  
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**Sep 28 2022**

**SC Court of Appeals**

**EPTING & RANNIK**

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September 28, 2022

**VIA EMAIL AND USPS**

The Honorable Jenny Abbott Kitchings  
South Carolina Court of Appeals  
1220 Senate Street  
Columbia, SC 29201

RE: *Tony A. Billips v. Carolyn A. Billips and Alex's Restaurants, Inc.*  
Case No.: 2016-CP-10-06265  
Appellate Case No.: 2022-000078

Dear Ms. Kitchings:

Enclosed is our firm's check in the amount of \$50.00 for the filing fee associated with Appellants' Motion for Extension of Time to file and serve their Initial Reply Brief and Designation of Matter which was filed with the Court on today's date in the above-referenced appeal

With kindest regards,

EPTING & RANNIK



Angela Gross  
/agg

Enclosures as stated

cc: All Counsel of Record