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Nov 15 2022

SC Court of Appeals

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

Kristi F. Curtis, Circuit Court Judge

Case No. 2021-CP-26-01328

Jane Doe, Respondent,

v.

Massage Envy Franchising, LLC; Palmetto Wellness Group, LLC;
Palmetto Wellness Group, SC, LLC, d/b/a Massage Envy Grand Dunes;
and PGD Investments, Inc., Defendants.

Of whom Massage Envy Franchising, LLC is the Appellant.

MOTION FOR EXTENSION OF TIME TO FILE APPELLANT'S INITIAL BRIEF

Appellant Massage Envy Franchising, LLC hereby moves for an extension of time of thirty (30) days to file Appellant's Initial Brief. As a result of Appellant's receipt of the applicable hearing transcript on November 3, 2022, Appellant's Initial Brief is currently due on Saturday, December 3, 2022. An order granting a 30-day extension will make Appellant's Initial Brief now due on or before Monday, January 2, 2023. This is Appellant's first request for an extension of time to file the Initial Brief. Pursuant to Rule 262 of the South Carolina Appellate Court Rules and Supreme Court Order 2022-05-06-03, Appellant files and serves this motion via email using the email addresses listed in the Attorney Information System, and it will separately send motion filing fee by U.S. Mail.

Respectfully Submitted,

s/ Lindsay A. Joyner
John T. Lay, SC BAR NO. 64526
Lindsay A. Joyner, SC BAR NO. 77437
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Admitted Pro Hac Vice

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November 15, 2022
Columbia, South Carolina

Other Counsel of Record:

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Attorneys for Palmetto Wellness Group, LLC;

Palmetto Wellness Group SC, LLC; &

Massage Envy Grande Dunes

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Palmetto Wellness Group, SC, LLC, d/b/a Massage Envy Grand Dunes;
and PGD Investments, Inc., Defendants.

Of whom Massage Envy Franchising, LLC is the Appellant.

PROOF OF SERVICE

This is to certify that the undersigned counsel has caused to be served this day (1) copy of Motion for Extension of Time to File Appellant's Initial Brief via electronic mail at the address stated in the Supreme Court Order 2022-05-06-03 and in accordance with Rule 262 of the South Carolina Appellate Court Rules and as set forth below to the following:

Scott Christopher Evans (SC Bar 77684)
James Bernice Moore, III (SC Bar 74268)
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SRyan@laffeybuccikent.com
Admitted Pro Hac Vice
Attorneys for Respondent

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Attorneys for Palmetto Wellness Group, LLC;
Palmetto Wellness Group SC, LLC; &
Massage Envy Grande Dunes

A copy of the email serving counsel for Respondents is attached hereto.

[Signature to follow]

Respectfully Submitted,

s/ Lindsay A. Joyner

John T. Lay, SC BAR NO. 64526

Lindsay A. Joyner, SC BAR NO. 77437

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Admitted Pro Hac Vice

Attorneys for Appellant Massage Envy
Franchising, LLC

November 15, 2022

Columbia, South Carolina

From: [Lindsay Joyner](#)
To: "scott@evansmoorelaw.com"; "[James B. Moore III](#)"; "[Brian Kent](#)"; "[Stewart Ryan](#)"
Cc: "[Blackburn, Cherie](#)"; "[Ricard, Rhett D.](#)"; "[Jasmine D. Smith](#)"; "[Cal Watson](#)"; "[Jillian Hansen](#)"; "[Brachman, Paul D](#)"
Bcc: "[9461_2 Jane Doe v. Massage Envy Franchising LLC Palmetto Wellness Group LLC Palmetto Wellness Group SC LLC d b a Massage Envy Grande Dunes and PGD Email 9461_2](#)"
Subject: RE: Jane Doe, plaintiff v. Massage Envy Franchising, LLC, et al Case No. 2021-CP-26-01328 [GWB-IMANMAIN.FID868764]
Date: Tuesday, November 15, 2022 4:38:35 PM
Attachments: [\[FINAL\] Ltr CtApp re Motion for Extension.pdf](#)
[\[FINAL\] Motion for Extension.pdf](#)

Scott, James, Brian, and Stewart,

As permitted by Supreme Court Order 2022-05-06-03, part (d)(1), and pursuant to Rule 203 of the South Carolina Appellate Court Rules, I am herewith serving via email Appellant Massage Envy Franchising, LLC's Motion for Extension of Time to File Appellant's Initial Brief in the above-captioned matter. Shortly, I will be filing these documents with the Court of Appeals as permitted by Order 2022-05-06-03, part (b)(2), and I will attach this email to the proof of service of the same.

Should you have any issues opening the attachments, please let me know. Thank you.

With warmest regards,

Lindsay



Lindsay Anne Joyner
Partner
ljoyner@GWBlawfirm.com

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This message is from the law firm Gallivan, White & Boyd, PA and may be a confidential and privileged legal communication to the named recipient(s). If you receive this message in error or are not the named recipient(s), please notify the sender and delete this email. Thank you.

From: Lindsay Joyner
Sent: Thursday, September 22, 2022 8:48 AM
To: scott@evansmoorelaw.com; James B. Moore III <james@evansmoorelaw.com>; Brian Kent <bkent@laffeybuccikent.com>; Stewart Ryan <sryan@laffeybuccikent.com>
Cc: Blackburn, Cherie <CBlackburn@nexsenpruet.com>; Ricard, Rhett D. <RRicard@nexsenpruet.com>; Jasmine D. Smith <jsmith@robinsongray.com>; Cal Watson <cwatson@robinsongray.com>; Jillian Hansen <jhansen@gwblawfirm.com>; Brachman, Paul D <pbrachman@paulweiss.com>
Subject: Jane Doe, plaintiff v. Massage Envy Franchising, LLC, et al Case No. 2021-CP-26-01328 [GWB-IMANMAIN.FID868764]

Scott, James, Brian, and Stewart,

As permitted by Supreme Court Order 2022-05-06-03, part (d)(1), and pursuant to Rule 203 of the South Carolina Appellate Court Rules, I am herewith serving via email Appellant Massage Envy Franchising, LLC's Notice of Appeal in the above-captioned matter. Shortly, I will be filing these documents with the Court of Appeals as permitted by Order 2022-05-06-03, part (b)(2), and I will attach this email to the proof of service of the same.

Should you have any issues opening the attachments, please let me know. Thank you.

With warmest regards,

Lindsay



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November 15, 2022

VIA EMAIL ONLY

Jenny Abbott Kitchings, Clerk of Court
South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201
ctappfilings@sccourts.org

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Nov 15 2022
SC Court of Appeals

Re: *Jane Doe v. Massage Envy Franchising, LLC et al.*
Horry County C/A No. 2021-CP-26-01328
Appellate Case No. 2021-001439
GWB File No. 9461-2

Dear Ms. Kitchings:

Attached for electronic filing in accordance with Supreme Court Order 2022-05-06-03, part (b)(2), and pursuant to Rules 208 and 262 of the South Carolina Appellate Court Rules, please find Motion for Extension of Time of Appellant Massage Envy Franchising, LLC in the above-captioned matter. As permitted by Order 2021-08-25-03, no other copies, whether paper or electronic, are being provided, unless requested by the Court.

By copy of this letter, we are serving counsel for Respondents via email as permitted by Order 2022-05-06-03, part (d)(1), and attached is a proof of service to that effect.

A check in the amount of \$50.00 for the filing fee associated with this Motion for Extension of Time is being forwarded to your attention via U.S. Mail.

If you have any questions or need additional information, please do not hesitate to contact me.

Sincerely,

GALLIVAN, WHITE & BOYD, P.A.



Lindsay A. Joyner

LAJ/jh
Enclosures

cc: Scott Christopher Evans
James Bernice Moore, III
Brian D. Kent
M. Stewart Ryan
Cherie W. Blackburn
Rhett Douglas Ricard
J. Calhoun Watson
Jasmine Denise Smith