

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

68657

APPEAL FROM SUMTER COUNTY
Court of Common Pleas

Richard L. Booth, Master-In-Equity

Case No.: 2009-CP-43-2538

First Citizens Bank and Trust Company, Inc.....Appellant,

v.

Charles T. Brooks III and the South Carolina Department of Revenue, Defendants,
of whom Charles T. Brooks is theRespondent.

**MOTION FOR EXTENSION OF TIME TO FILE AND SERVE
RESPONDENT'S INITIAL BRIEF AND DESIGNATION OF MATTER TO
BE INCLUDED IN THE RECORD ON APPEAL**

Counsel for the Respondent moves pursuant to Rule 263(b), SCACR, for a thirty (30) day extension of time in which to file and serve Respondent's Initial Brief and Designation of Matter to be included in the Record on Appeal in this case. The grounds for this motion are that there is good cause to grant the requested extension as set forth:

- 1) This is the first request for an extension of any type by Respondent's counsel;
- 2) Respondent's current deadline for filing its Initial Brief and Designation of Matter is June 7, 2013;


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SC Court of Appeals

- 3) Respondent's counsel received the Appellant's Initial Brief and Designation of Matter on May 10, 2013, which was served on May 8, 2013;
- 4) In the thirty days since the Initial Brief was served, Respondent's counsel has been out of the office for five business days for out-of-town hearings; has prepared for two civil trials which were both continued on the day of trial by the opposing party; has participated in two all day depositions; and has taken a one week annual vacation;
- 5) Respondent's counsel offers there is good cause to grant this attorney's first request for an extension of time to July 8, 2013.

WHEREFORE Respondent's counsel prays for an Order extending the time in which to file and serve Respondent's Initial Brief and Designation of Matter to be Included in the Record on Appeal by an additional thirty (30) days.

RILEY, POPE & LANEY, LLC



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Counsel for the Respondent

Columbia, South Carolina

June 7, 2013

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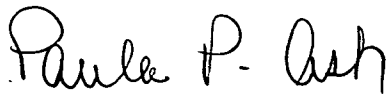
Charles T. Brooks III and the South Carolina Department of Revenue, Defendants,
of whom Charles T. Brooks is theRespondent.

CERTIFICATE OF SERVICE

I hereby certify that this day I have deposited a copy of the **MOTION FOR
EXTENSION OF TIME TO FILE AND SERVE RESPONDENT'S INITIAL
BRIEF AND DESIGNATION OF MATTER TO BE INCLUDED IN THE
RECORD ON APPEAL** in the United States Mail, postage prepaid and addressed to
the following individuals:

Andrew S. Radeker, Esquire
Harrison & Radeker, PA
PO Box 50143
Columbia, South Carolina 29250

Ronald W. Urban, Esquire
PO Box 125
Columbia, South Carolina 29201



Paula P. Ash

June 7, 2013

RILEY POPE & LANEY, LLC
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June 7, 2013

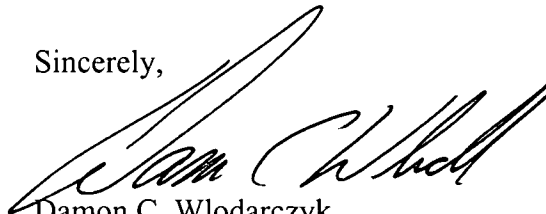
(Via Hand Delivery)
The Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
1015 Sumter Street
Columbia, South Carolina 29201

Re: First Citizens Bank v. Charles Brooks, III
Appellate Case No.: 2013-000255
My File No.: 4026.00509

Dear Ms. Kitchings:

Please find enclosed for filing the original and seven (7) copies of Respondent's Motion for Extension of Time to File and Serve Initial Brief and Designation of Matter along with proof of service. Please return with my courier one (1) filed copy. I have also enclosed my firm's check in the amount of \$25.00 to cover the filing fee. Please do not hesitate to contact me with questions.

Sincerely,



Damon C. Włodarczyk
Attorney for Respondent

DCW/
cc: Andrew Sims Radeker, Esquire
Ronald W. Urban, Esquire

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