

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

68497

APPEAL FROM YORK COUNTY
Court of Common Pleas

Hon. John C. Hayes, III
Presiding Circuit Court Judge

Case No. 2010-CP-46-2326

Juontonio Pinckney, et al.Appellants,

v.

Epcon Communities, Inc., Epcon Communities Franchising, Inc.,
Brock L. Fankhauser, Fankhauser Property Group, Inc.,
Stonecrest Villas of Tega Cay, LLC,
and

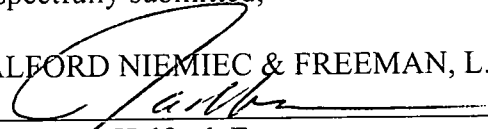
Stonecrest Villas of Tega Cay Owners'
Association, Inc.Respondent/Cross Appellant

APPELLANTS' MOTION FOR THE COURT TO
ESTABLISH BRIEFING DEADLINES

Appellants respectfully move the court to hold filing deadlines for initial briefs and memorandums in abeyance pending resolution of motions to dismiss filed with the court. Appellants further move the court to establish a briefing schedule pursuant to Rule 206 and Rule 214, SCACR due to the complex nature of this case and multiple filings.

Respectfully submitted,

HALFORD NIEMIEC & FREEMAN, L.L.P.



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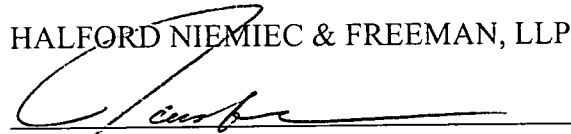
MEMORANDUM

This appeal involves multiple notices of appeal implicating a series of trial court orders entered over the last six (6) months in the circuit court. Appellants' last motion mis-filed into the initial appeal filed by Fankhauser Property Group, Inc. styled as *Juontonio Pinckney, et al. v. Epcon Communities*, CA No. 2012-213730. Lastly, the same question of law involving application of the business judgment rule is cited by the trial court as implicated in business judgments reviewed as part of the court's January 23, 2013 and April 10, 2013 orders. These orders are entered after oral argument that spanned months occurred December 19, 2012 and March 20, 2013 respectively.

Because this case is complex, involves novel issues, and involves multiple notices of appeal and two pending motions to dismiss, and the same questions of law implicated in trial court determinations, this court should exercise its discretion under Rule 214 SCACR and Rule 206 SCACR to consolidate orders and establish briefing schedules for initial briefs and memorandums.

Respectfully submitted,

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Stonecrest Villas of Tega Cay, LLC,
and

Stonecrest Villas of Tega Cay Owners' Association, Inc.Respondent

PROOF OF SERVICE

I hereby certify that I am the attorney for the Plaintiffs/Appellants in the above captioned case number and that on May 23, 2013 I served a copy of the foregoing Motion to Hold Filing Deadlines in Abeyance and Establish Scheduling Order on all counsel by the means indicated below.

(Via E-mail)

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SC Court of Appeals

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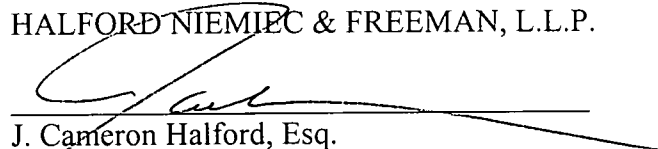
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May 23, 2013

Jenny Abbott Kitchings, Clerk of Court
South Carolina Court of Appeals
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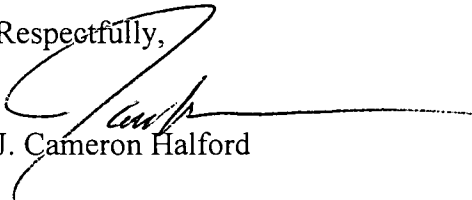
Re: *Juontonio Pinckney, et al. v. Brock L. Fankhauser, et al.*
York County Consolidated Case No.: 2010-CP-46-2326
South Carolina Appellate Case No.: 2013-000327

Dear Ms. Kitchings:

Please find enclosed an original and six copies of **Appellants Motion For the Court to Establish Briefing Deadlines** and Proof of Service in the above matter. Please file the originals and return a filed copy to me in the envelope enclosed. Respondents and all counsel for parties appearing in the above case are copied. Thank you.

With kind regards, I remain

Respectfully,



J. Cameron Halford

JCH/klw
Enclosures

cc: *(Via U.S. Mail and E-Mail w/ enclosures):*
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(Via E-Mail Only w/ enclosures):
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Brad Cranshaw, Esquire
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