

RECEIVED

Jan 30 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

Steven H. John, Circuit Court Judge

Appellate Case Number 2022-001004

Thomas Wade Long and Clyde Kiser, Individually and on behalf of TNW
and More, LLC, Respondents,

v.

Timothy D. Kettner, Donald Kettner, and TNT and More, Inc., d/b/a Crab
Catchers on the Waterfront, Defendants,

Of whom Donald Kettner and TNT and More, Inc., d/b/a Crab Catchers on the
Waterfront, are Appellants.

MOTION FOR EXTENSION OF TIME TO RESPOND

Appellants' Notice of Appeal was filed with the Court on July 28, 2022, and their Initial Brief was filed on October 6, 2022, making Respondents' Initial Brief due on November 7, 2022. At that time, Respondents filed a Motion for Extension, which the court granted until December 7, 2022. Respondents filed a second motion with the court on December 6, 2022, requesting another 30-day extension to file and serve their Initial Brief. The Court granted that extension with the Respondents' Initial Brief to be filed and served no later than January 6, 2023, and the Court stated in its Order that no further extensions would be granted to Respondent.

On January 5, 2023, Appellants' counsel received an email from Respondents' counsel implying that he was again requesting a one-week extension from the Court of Appeals to file and serve their Initial Brief. See Exhibit A. On January 11, 2023, Appellants received notification from the South Carolina Court of Appeals of the Respondents' deficiencies in their filing which provided a ten (10) day deadline for the Respondents to make the appropriate corrections. It was mistakenly believed that this was the Court's response to Respondents' Motion for Extension, as no filings were served upon Appellants whatsoever from Respondents.

Appellants, having received neither a brief nor a motion from Respondents, contacted the Court of Appeals regarding the status of filings and deadlines in the instant matter. In speaking with the Court of Appeals clerk on January 26, 2023, Appellants were informed by the clerk that the court was in possession of Respondents' Initial Brief and their Proof of Service which stated Respondents' Initial Brief was served electronically on January 6, 2023 to Appellants counsel, Michael Harrison, Howell Bellamy, and Ronnie Richter. Neither counsel for the Appellants received any electronic communication from the Respondents on that date, nor any at any time to date, providing the Appellants with a copy of their Initial Brief. In short, Respondents did not serve the undersigned counsel with their Initial Brief in any form and has not done so as of the date of this letter.

The Appellants time limit in which to respond and file an Initial Reply Brief has expired if it is calculated by the defective Proof of Service date provided by the Respondents to the Court.

Appellants respectfully requests an Order directing Respondents to serve their brief within 10 days of the date of the Court's issuance of the Order and to grant Appellants a thirty (30) day extension to file their Initial Reply Brief, also thirty days from the date of the issuance of the Court's Order in this matter. This extension is requested from the date Appellants receive a copy of Respondents' Initial Brief, which as of this date, has not occurred.

January 30, 2023

s/Michael S. Harrison
Michael S. Harrison, Esq.
SC Bar #100462
Murray Law Group, LLC
4214 Mayfair Street, Suite B
Myrtle Beach, SC 29577
(843) 445-9933
Attorney for Appellants

s/Howell Bellamy, III
Howell Bellamy, III, Esq.
SC Bar #66575
Bellamy Law Firm
1000 29th Avenue North
Myrtle Beach, SC 29577
(843) 448-2400
Attorney for Appellants

RECEIVED

Jan 30 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

Steven H. John, Circuit Court Judge

Appellate Case Number 2022-001004

Thomas Wade Long and Clyde Kiser, Individually and on behalf of TNW
and More, LLC, Respondents,

v.

Timothy D. Kettner, Donald Kettner, and TNT and More, Inc., d/b/a Crab
Catchers on the Waterfront, Defendants,

Of whom Donald Kettner and TNT and More, Inc., d/b/a Crab Catchers on the
Waterfront, are Appellants.

PROOF OF SERVICE

I certify that I have served Appellants' Correspondence dated January 30, 2023, Exhibit A and Appellants' Motion for Extension of Time to Respond on the Respondents, by depositing a copy of it in the United States Mail, Postage Prepaid, on January 30, 2023, addressed to their attorney of record, Tucker S. Player, Player Law Firm, 512 Village Church Drive, Chapin, SC 29036 and by electronic mail.

January 30, 2023

s/Michael S. Harrison
Michael S. Harrison, Esq.
SC Bar #100462
Murray Law Group, LLC
4214 Mayfair Street, Suite B
Myrtle Beach, SC 29577
(843) 445-9933
Attorney for Appellants

MURRAY LAW GROUP, LLC

Michael S. Harrison, Managing Attorney - Legal Services

4214 Mayfair Street, Suite B, Myrtle Beach, SC 29577 • 843-445-9933 office • 843-839-7397 facsimile

- Family Law / Divorce
- Estate Planning / Wills
- Contract Law
- Personal Injury
- Property Disputes
- Business Formation
- HOA Disputes
- Probate

January 30, 2023

RECEIVED

Jan 30 2023

SC Court of Appeals

VIA U.S. MAIL & E-MAIL

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

RE: Thomas Long vs. Timothy Kettner
Appellate Case No. 2022-001004

Dear Ms. Kitchings:

I received a letter dated January 24, 2023 from the South Carolina Court of Appeals in the above-referenced matter. Due to the impending Record on Appeal instructions outlined in this letter, my office contacted the Court of Appeals clerk to clarify deadlines in this matter.

Appellants' Notice of Appeal was filed with the Court on July 28, 2022 and its Initial Brief was filed on October 6, 2022, making Respondents Initial Brief due on November 7, 2022. At that time, Respondents filed a Motion for Extension, which the court granted until December 7, 2022. Respondents filed its second motion with the court on December 6, 2022 requesting another 30-day extension to file and serve its Initial Brief. The court granted that extension with the Respondents Initial Brief to be filed and served no later than January 6, 2023.

On January 5, 2023, Appellants' counsel received an email from Respondents' counsel implying that he was requesting a one-week extension from the Court of Appeals to file and serve its Initial Brief (email attached). On January 11, 2023, Appellants received notification from the South Carolina Court of Appeals of the Respondents' deficiencies which provided a ten (10) day deadline for the Respondent to make the appropriate corrections.

Due to the implication in Respondents' counsel's email dated January 5, 2023, Appellants believed the Court of Appeals letter of January 11, 2023 was in fact the Respondents' extension. At that time, we calendared Respondents' deadline for filing its Initial Brief for January 23, 2023, due to the due date to make these deficient corrections falling on a weekend, expecting to receive a copy of said corrections and brief within days of that deadline. However, Appellants counsel and co-counsel were not served with a copy of Respondents' Initial Brief.

In speaking with the Court of Appeals clerk on January 26, 2023, Appellants were informed by the clerk that the court was in possession of Respondents' Initial Brief and its Proof of Service which stated Respondents' Initial Brief was served electronically on January 6, 2023 to Appellants counsel, Michael Harrison and Howell Bellamy, as well as Ronnie Richter. Neither counsel for the Appellants received any electronic communication from the Respondents on that date, nor any date since that time, providing the Appellants with a copy of his Initial Brief. In short, Respondents did not serve the undersigned counsel with its Initial Brief in any form and has not done so as of the date of this letter.

The Appellants' time limit in which to respond and file an Initial Reply Brief has expired if it is calculated by the Proof of Service date provided by the Respondents. I have enclosed a Motion for Extension for the Court's review in this matter along with the required \$50.00 motion fee.

The Appellants have been forced to absorb the costs associated with Respondents' error, and we would ask the court to consider awarding Appellants costs associated with correcting their error. If you have any questions, or require anything further from me or Mr. Bellamy, please do not hesitate to contact us.

Sincerely,

s/Michael S. Harrison, Esq.
Michael S. Harrison, Esq.
SC Bar # 100462
Murray Law Group, LLC
4214 Mayfair Street, Suite B
Myrtle Beach, SC 29577
(843) 445-9933
Attorney for Appellants

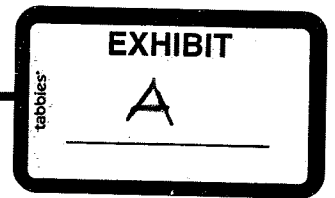
s/Howell Bellamy, Esq.
Howell Bellamy, III, Esq.
SC Bar #66575
Bellamy Law Firm
1000 29th Avenue North
Myrtle Beach, SC 29577
(843) 448-2400
Attorney for Appellants

MSH/mn

Enclosures: as stated

Cc: Tucker S. Player, Esq.

Mickey Necessary



From: Tucker Player <tucker@playerlawfirm.com>
Sent: Thursday, January 5, 2023 10:09 AM
To: Scott Mongillo
Cc: Michael Harrison; Marissa N. Drost; T Jarrett Bouchette; Bellamy, III, Howell V.; Mickey Necessary; TEAM
Subject: Re: Thomas Wade Long, Clyde Kiser Individually and on behalf of TNW and More, LLC, and TNW and More, LLC. v. Timothy D. Kettner, Donald Kettner, et al. AND TNT and More, Inc., d/b/a Crab Catchers on the Waterfront v. TNW and More, LLC., et al.

I was scheduled for a date certain trial this week in Aiken. Judge Miller had a funeral to attend today, so it got pushed again yesterday.

Thank you for the concern over my health. I still know basically nothing, but the cardiologist doesn't think the root cause is my heart. That helps with preventing any more overreactions sending me to the ER again.

I have an appellate brief due tomorrow and the outstanding discovery. If I can get a one week extension on the brief, Michael will have all discovery responses and documents in his hands by close of business tomorrow. I will fedex a zip drive today and send the written responses by CoB tomorrow. Otherwise, it will be next week.

Wade is out of town a lot in the next few weeks, but he will join via Zoom to make this work within the time frame

Tucker S. Player
Player Law Firm, LLC
512 Village Church Drive
Chapin, SC 29036
ph: 803-772-8008
fx: 803-772-8037
email: tucker@playerlawfirm.com

The secret of freedom lies in educating people, whereas the secret of tyranny is in keeping them ignorant.

The information in this message is protected by the Attorney Client Privilege and/or Attorney Work Product Doctrine and is intended only for the use of the individual(s) named above. This message should not be forwarded without my permission. If this message is received in error or otherwise by someone other than the addressee, please contact me at the above number(s) and return the message or destroy it.

On Thu, Jan 5, 2023 at 8:42 AM Scott Mongillo <Scott@blandrichter.com> wrote:

Michael: Thanks for the reply. But I sincerely hope under the circumstances outlined below, you do not force us to spend the time and money to file a motion to quash.