

MURRAY LAW GROUP, LLC

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- Family Law / Divorce
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January 30, 2023

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

RECEIVED

FEB 01 2023

SC Court of Appeals

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

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Attorney for Appellants

s/Howell Bellamy, Esq.

Howell Bellamy, III, Esq.

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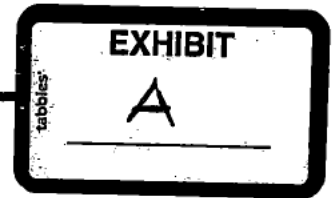
Attorney for Appellants

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

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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.



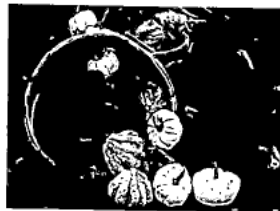
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