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Feb 08 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM JASPER COUNTY COURT OF COMMON PLEAS

The Honorable H. Steven DeBerry, IV, Circuit Court Judge

Appellate Case No. 2022-001266
Common Pleas Case No. 2021-CP-27-00028

City of Hardeeville.....Appellant,

v.

Jasper County, South Carolina, Jasper County Treasurer,
and Jasper County Auditor.....Respondents,

AND

Jasper County, South Carolina.....Cross Co-Plaintiff,

Verna Garvin, in her official capacity
as Jasper County TreasurerCross Co-Plaintiff,

and

Monica Wilson, in her official capacity
as Jasper County Auditor.....Cross Co-Plaintiff,

v.

City of Hardeeville, Nickel Plate Road, LLC, and Beaufort County,
South Carolina.....Cross Defendants.

APPELLANT’S CONSENT MOTION FOR EXTENSION OF TIME

Appellant, City of Hardeeville (“Appellant”) respectfully requests an extension of time of 30 days to file its Reply Brief. The Appellant requests the additional 30 days to provide sufficient time to complete preparation of the Reply Brief.

This is Appellant's first request for an extension of this deadline. The current deadline for the Reply Brief is on or before Thursday, February 9, 2023. With the requested 30-day extension, Appellant's deadline to file Reply brief will be on or before Friday, March 10, 2023.

All parties have consented to Appellant's request for an extension, with the exception of Beaufort County, South Carolina, from whom counsel for Appellant had not received a response as of the time of the filing of this motion. Therefore, the Appellant respectfully moves this Court for an Order extending the time to file and serve the Reply Brief until on or before Friday, March 10, 2023.

Respectfully submitted,

KING KOZLAREK LAW LLC



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Counsel for Appellant City of Hardeeville

February 8, 2023
Greenville, South Carolina

WE SO CONSENT:

/s/ Walter H. Cartin

Walter H. Cartin

J. Evan Phillips

Parker Poe Adams & Bernstein LLP

1221 Main Street, Suite 1100

Columbia, South Carolina 29201

waltcartin@parkerpoe.com

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Counsel for Respondent and Cross Co-Plaintiff Jasper County

WE SO CONSENT:

/s/ Bernie Ellis

Bernie Ellis, Esq.

bellis@burr.com

Burr & Forman, LLP

104 South Main Street, Suite 700

Greenville, SC 29601

Counsel for Cross Defendant Nickel Plate Road, LLC

WE SO CONSENT:

/s/Thomas Allan Bendle, Jr.

Thomas Allan Bendle, Jr.

tbendle@hghpa.com

Post Office Box 40

Beaufort, SC 29901

Counsel for Respondents and Cross Co-Plaintiffs Treasurer and Auditor

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v.

City of Hardeeville, Nickel Plate Road, LLC, and Beaufort County,
South Carolina.....Cross Defendants.

PROOF OF SERVICE

I certify that a copy of the foregoing *Appellant's Consent Motion for Extension of Time*, has been served on the following on February 8, 2023, by emailing and placing same in the United States mail, postage prepaid, addressed as follows:

Counsel for Jasper County
Walter H. Cartin, Esq.
J. Evan Phillips, Esq.
Parker Poe Adams & Bernstein LLP
1221 Main Street, Suite 1100 (29201)
Post Office Box 1509
Columbia, SC 29202

and by e-mailing same to waltcartin@parkerpoe.com and evanphillips@parkerpoe.com

Counsel for Nickel Plate Road, LLC
Bernie W. Ellis, Esq.
Burr & Forman LLP
Post Office Box 447
Greenville, SC 29602


and by e-mailing same to bellis@burr.com

Counsel for Jasper County Auditor and Jasper County Treasurer
Thomas Allan Bendle, Jr.
Post Office Box 40
Beaufort, SC 29901

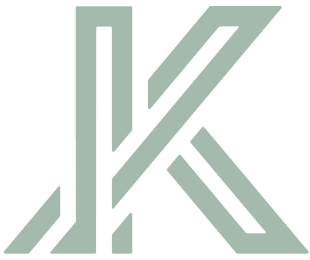
and by e-mailing same to tbendle@hghpa.com

Counsel for Beaufort County
Thomas J. Keaveny, II, Esq.
Beaufort County Attorney's Office
Post Office Drawer 1228
Beaufort, SC 29901-1228

and by e-mailing same to tkeaveny@bcgov.net



Michael E. Kozlarek



MICHAEL E. KOZLAREK SCCEd
Admitted: SC, GA, NC, VA
michael@kingkozlarek.com

February 8, 2023

Via Electronic Filing (ctappfilings@sccourts.org) and US Mail (check only)

The Honorable Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
1220 Senate Street
Post Office Box 11629
Columbia, South Carolina 29211

Re: City of Hardeeville v. Jasper County, et al.
Case No. 2021-CP-27-00028
Appellate Case No. 2022-001266

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Dear Ms. Kitchings:

We have enclosed for filing Appellant's Consent Motion for Extension of Time to file the Reply Brief on or before Friday, March 10, 2023. I have also enclosed a check in the amount of \$50.00 for the required filing fee (via US Mail).

By copy of this letter to all counsel of record we are informing them of Consent Motion for Extension and related deadline.

Sincerely,



Michael E. Kozlarek

MEK/cbs

cc:

Walter H. Cartin, Esq. (via electronic mail)
J. Evan Phillips, Esq. (via electronic mail)
Bernie W. Ellis, Esq. (via electronic mail)
Thomas Allan Bendle, Jr., Esq. (via electronic mail)
Thomas J. Keaveny, II, Esq. (via electronic mail)

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