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Feb 15 2023

SC Court of Appeals

**THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

Appeal from Charleston County
Court of Common Pleas

Eugene C. Griffith, Jr., Circuit Court Judge

Case Nos. 2019-CP-10-00846, -02131, and -02539
Appellate Case No. 2019-000903

City of Charleston,

Appellant,

v.

City of North Charleston and Millbrook Plantation, LLC,

Respondents.

and

Millbrook Plantation, LLC

Plaintiff,

v.

City of Charleston,

Defendant.

and

City of Charleston,

Plaintiff,

v.

City of North Charleston and Millbrook Plantation, LLC

Defendants.

**MOTION TO EXTEND THE TIME FOR THE CITY OF CHARLESTON
TO PETITION FOR REHEARING**

**Counsel identified on the following page*

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Attorneys for the City of Charleston

NOW COMES Appellant, City of Charleston (the “City”), by and through its undersigned counsel, pursuant to Rule 263(b), SCACR,¹ and moves for an extension of fifteen (15) days’ time to petition for rehearing of this matter, which the Court decided via opinion filed February 1, 2023.

Rule 221(a), SCACR, provides that “[p]etitions for rehearing must be actually received by the appellate court no later than fifteen (15) days after the filing of the opinion, order, judgment, or decree of the court.” Based on the February 1, 2023, filing of the Court’s opinion in this case, the present deadline to petition for rehearing is the close of business tomorrow, Thursday, February 16, 2023, which, in accordance with Rule 263(a), SCACR (regarding computation of time), is the 15th day after the opinion was filed. Because of work-related and other time commitments, the Court’s allowance of fifteen (15) days’ additional time for the City to petition for rehearing is requested.

It is respectfully submitted that there is good cause for the Court to grant the relief requested herein, as it is, under the circumstances, a reasonable dispensation, timely sought, consistent with the interests of justice, posing no threat of undue prejudice to any other party.

WHEREFORE, it is requested that the Court grant the City an extension of 15 days’ time to petition for rehearing. By the undersigned’s calculations, the granting of this relief would make the new deadline to petition for rehearing Friday, March 3, 2023. ADDITIONALLY, for the same reasons set forth in support of the within request for an extension of time, it is requested that the Court hold the present deadline for the City to petition for rehearing in abeyance until the Court acts on this motion.

¹ In pertinent part, Rule 263(b) provides, “The time prescribed by these Rules for performing any act except the time for serving the notice of appeal under Rules 203 and 243 may be extended or shortened by the appellate court, or by any judge or justice thereof.”

Respectfully submitted,

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Charleston, South Carolina

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PROOF OF SERVICE

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Attorneys for the City of Charleston

I, Russell G. Hines, of Clement Rivers, LLP, attorneys for the City of Charleston, hereby certify that the **MOTION TO EXTEND THE TIME FOR THE CITY OF CHARLESTON TO PETITION FOR REHEARING** was served on February 15, 2023, on all parties to this matter via emailing (see attached) a copy of the same to the following:

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Respectfully submitted,
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Charleston, South Carolina

February 15, 2023

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Attachments: [image001.png](#)
[Charleston v. N. Chas. \(2019-000903\) -- Mot. for Ext. re PRH.pdf](#)

Attached regarding the above-referenced matter please find the **Motion to Extend the Time for the City of Charleston to Petition for Rehearing**.

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