

RECEIVED
Feb 21 2023
SC Court of Appeals

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

**APPEAL FROM GREENVILLE COUNTY
COURT OF COMMON PLEAS**

The Hon. G.D. Morgan, Jr., Circuit Court Judge

Appellate Case No. 2022-001301
Commons Pleas Case No. 2021-CP-23-03048

Alliance to Preserve the Old White Horse Road Corridor, LLC
And Mary Jean Horney, Appellants,

v.

RP&L, LLC and the Greenville County Planning
Commission Respondents.

**MOTION FOR SECOND EXTENSION OF TIME TO FILE
REPLY BRIEF OF APPELLANTS**

William M. Wilson III (S.C. Bar No. 15808)
Wyche, P.A.
Post Office Box 728
Greenville, S.C. 29602-0728
(864) 242-8200

Attorneys for Appellants

The Appellant's motion is based on the following grounds:

1. Following a first extension of 10 days, the Appellants Reply Brief is currently due to be filed and served on February 23, 2023.

2. The undersigned counsel requires additional time to complete Appellants Reply Brief due to being in trial this week.

3. The undersigned has consulted with counsel for the Respondent who has consented to the requested extension by email (copy attached).

WHEREFORE, the Appellant respectfully requests that it be allowed until March 2, 2023, by which to file and serve its Reply Brief to be included in the Record on Appeal.

Respectfully submitted,

s/ William M. Wilson III

William M. Wilson III (S.C. Bar No. 15808)
Wyche, P.A.
Post Office Box 728
Greenville, S.C. 29602-0728
(864) 242-8200

Date: February 20, 2023

Attorneys for Appellants

Susan Minor

From: Andrew Lindemann <Andrew@ldlawsc.com>
Sent: Monday, February 20, 2023 9:58 AM
To: Susan Minor; Townes Johnson
Cc: William M. Wilson III
Subject: RE: Alliance to Preserve Old White Horse Road Appeal [WYCHE-10237-0043]

Categories: Filed

He has my consent.

From: Susan Minor <sminor@wyche.com>
Sent: Monday, February 20, 2023 9:42 AM
To: Andrew Lindemann <Andrew@ldlawsc.com>; Townes Johnson <tjohnson@sc.legal>
Cc: William M. Wilson III <bwilson@wyche.com>; Susan Minor <sminor@wyche.com>
Subject: RE: Alliance to Preserve Old White Horse Road Appeal [WYCHE-10237-0043]

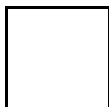
Mr. Lindemann and Mr. Johnson,

Mr. Wilson is in trial this week and would be most grateful for a 7-day extension.

Thank you for your consideration.

Kind regards,

Susan



Susan Minor | Wyche

Legal Assistant/Paralegal to William M. Wilson III
200 East Broad Street, Suite 400 | Greenville, SC 29601-2892
Phone: (864) 242-8386 | Fax: (864) 235-8900
sminor@wyche.com | www.wyche.com

A [Lex Mundi](#) Member Firm

From: Andrew Lindemann <Andrew@ldlawsc.com>
Sent: Wednesday, February 8, 2023 1:53 PM
To: William M. Wilson III <bwilson@wyche.com>; Townes Johnson <tjohnson@sc.legal>
Cc: Susan Minor <sminor@wyche.com>
Subject: RE: Alliance to Preserve Old White Horse Road Appeal

Bill, you have my consent from the Planning Commission. -- Andrew

From: William M. Wilson III <bwilson@wyche.com>
Sent: Wednesday, February 8, 2023 12:58 PM
To: Andrew Lindemann <Andrew@ldlawsc.com>; Townes Johnson <tjohnson@sc.legal>
Cc: Susan Minor <sminor@wyche.com>
Subject: RE: Alliance to Preserve Old White Horse Road Appeal

Andrew and Townes,

My reply brief is due Monday Feb. 13, and I would be grateful for a ten-day extension until Feb. 23. Is this acceptable?

Thank you for your consideration,

Bill



William M. Wilson III | Wyche

200 East Broad Street, Suite 400 | Greenville, SC 29601-2892

Phone: (864) 242-8294 | Fax: (864) 298-3941

bwilson@wyche.com | www.wyche.com/bwilson | [vCard](#)

A [Lex Mundi](#) Member Firm

From: Andrew Lindemann <Andrew@ldlawsc.com>

Sent: Friday, January 27, 2023 9:31 AM

To: William M. Wilson III <bwilson@wyche.com>

Cc: Townes Johnson <tjohnson@sc.legal>

Subject: Alliance to Preserve Old White Horse Road Appeal

Importance: High

Bill:

It was good meeting you this past Monday. I have a favor to ask. My initial brief is due to the Court of Appeals today. I'd like to ask the Court for a 5 day extension and would appreciate your consent. There was an outbreak of COVID in my wife's family yesterday, and as a result my wife is now in quarantine and one relative is in the hospital. That created some disruption for me as well yesterday which has put me behind in preparing the brief due today. I'd like to be able to have the weekend to get the brief written and then reviewed by the client. If you could consent to that 5 day extension, I'd greatly appreciate it.

Please advise as soon as possible so I can get a motion filed. Thanks

Andrew

Andrew F. Lindemann
Lindemann Law Firm, P.A.
5 Calendar Court, Suite 202
Post Office Box 6923
Columbia, South Carolina 29260
Direct Dial: 803-881-8921
Email: andrew@ldlawsc.com

This e-mail may contain privileged or confidential information.

If the e-mail was not intended for you, please:

- (i) delete the e-mails and any attachments
- (ii) destroy any copies that may have been made
- (iii) do not use, copy or distribute the contents in any form
- (iv) notify the sender by return e-mail or call.

No privilege is waived by inadvertent transmission.

Thank you.

This e-mail may contain privileged or confidential information.

If the e-mail was not intended for you, please:

- (i) delete the e-mails and any attachments
- (ii) destroy any copies that may have been made
- (iii) do not use, copy or distribute the contents in any form
- (iv) notify the sender by return e-mail or call.

No privilege is waived by inadvertent transmission.

Thank you.

Susan Minor

From: Townes Johnson <tjohnson@sc.legal>
Sent: Monday, February 20, 2023 11:37 AM
To: Susan Minor; Andrew Lindemann
Cc: William M. Wilson III
Subject: RE: Alliance to Preserve Old White Horse Road Appeal [WYCHE-10237-0043]

Categories: Filed

Sure thing

From: Susan Minor <sminor@wyche.com>
Sent: Monday, February 20, 2023 9:42 AM
To: Andrew Lindemann <Andrew@ldlawsc.com>; Townes Johnson <tjohnson@sc.legal>
Cc: William M. Wilson III <bwilson@wyche.com>; Susan Minor <sminor@wyche.com>
Subject: RE: Alliance to Preserve Old White Horse Road Appeal [WYCHE-10237-0043]

Mr. Lindemann and Mr. Johnson,

Mr. Wilson is in trial this week and would be most grateful for a 7-day extension.

Thank you for your consideration.

Kind regards,

Susan



Susan Minor | Wyche

Legal Assistant/Paralegal to William M. Wilson III
200 East Broad Street, Suite 400 | Greenville, SC 29601-2892
Phone: (864) 242-8386 | Fax: (864) 235-8900
sminor@wyche.com | www.wyche.com

A [Lex Mundi](#) Member Firm

From: Andrew Lindemann <Andrew@ldlawsc.com>
Sent: Wednesday, February 8, 2023 1:53 PM
To: William M. Wilson III <bwilson@wyche.com>; Townes Johnson <tjohnson@sc.legal>
Cc: Susan Minor <sminor@wyche.com>
Subject: RE: Alliance to Preserve Old White Horse Road Appeal

Bill, you have my consent from the Planning Commission. -- Andrew

From: William M. Wilson III <bwilson@wyche.com>
Sent: Wednesday, February 8, 2023 12:58 PM
To: Andrew Lindemann <Andrew@ldlawsc.com>; Townes Johnson <tjohnson@sc.legal>
Cc: Susan Minor <sminor@wyche.com>
Subject: RE: Alliance to Preserve Old White Horse Road Appeal

Andrew and Townes,

My reply brief is due Monday Feb. 13, and I would be grateful for a ten-day extension until Feb. 23. Is this acceptable?

Thank you for your consideration,

Bill



William M. Wilson III | Wyche

200 East Broad Street, Suite 400 | Greenville, SC 29601-2892

Phone: (864) 242-8294 | Fax: (864) 298-3941

bwilson@wyche.com | www.wyche.com/bwilson | [vCard](#)

A [Lex Mundi](#) Member Firm

From: Andrew Lindemann <Andrew@ldlawsc.com>

Sent: Friday, January 27, 2023 9:31 AM

To: William M. Wilson III <bwilson@wyche.com>

Cc: Townes Johnson <tjohnson@sc.legal>

Subject: Alliance to Preserve Old White Horse Road Appeal

Importance: High

Bill:

It was good meeting you this past Monday. I have a favor to ask. My initial brief is due to the Court of Appeals today. I'd like to ask the Court for a 5 day extension and would appreciate your consent. There was an outbreak of COVID in my wife's family yesterday, and as a result my wife is now in quarantine and one relative is in the hospital. That created some disruption for me as well yesterday which has put me behind in preparing the brief due today. I'd like to be able to have the weekend to get the brief written and then reviewed by the client. If you could consent to that 5 day extension, I'd greatly appreciate it.

Please advise as soon as possible so I can get a motion filed. Thanks

Andrew

Andrew F. Lindemann
Lindemann Law Firm, P.A.
5 Calendar Court, Suite 202
Post Office Box 6923
Columbia, South Carolina 29260
Direct Dial: 803-881-8921
Email: andrew@ldlawsc.com

This e-mail may contain privileged or confidential information.

If the e-mail was not intended for you, please:

- (i) delete the e-mails and any attachments
- (ii) destroy any copies that may have been made
- (iii) do not use, copy or distribute the contents in any form
- (iv) notify the sender by return e-mail or call.

No privilege is waived by inadvertent transmission.

Thank you.

This e-mail may contain privileged or confidential information.

If the e-mail was not intended for you, please:

- (i) delete the e-mails and any attachments
- (ii) destroy any copies that may have been made
- (iii) do not use, copy or distribute the contents in any form
- (iv) notify the sender by return e-mail or call.

No privilege is waived by inadvertent transmission.

Thank you.

RECEIVED

Feb 21 2023

SC Court of Appeals

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

**APPEAL FROM GREENVILLE COUNTY
COURT OF COMMON PLEAS**

The Hon. G.D. Morgan, Jr., Circuit Court Judge

Appellate Case No. 2022-001301
Commons Pleas Case No. 2021-CP-23-03048

Alliance to Preserve the Old White Horse Road Corridor, LLC
And Mary Jean Horney, Appellants,

v.

RP&L, LLC and the Greenville County Planning
Commission Respondents.

PROOF OF SERVICE

I, the undersigned Legal Assistant/Paralegal of the law offices of Wyche, P.A., attorneys for Alliance to Preserve the Old White Horse Road Corridor, LLC and Mary Jean Horney in the within action, do hereby certify that I have this date served upon opposing counsel and/or parties in this action the foregoing **MOTION FOR EXTENSION OF TIME TO FILE REPLY BRIEF OF APPELLANTS** by emailing a copy to each attorney listed below using their primary email address listed in the Attorney Information System.

Parties Served:

Townes B. Johnson III
Townes B. Johnson III, LLC
P.O. Box 9246
Greenville, South Carolina 29604
tjohnson@sc.legal

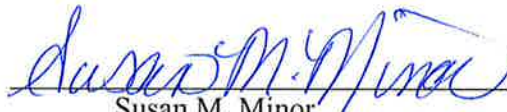
John R. Devlin Jr.
Devlin & Antley, P.A.
P.O. Box 10387

Greenville, South Carolina 29603-0387
john.devlin@devlawsc.com

Andrew F. Lindemann
Lindemann & Davis
P.O. Box 6923
Columbia, South Carolina 29260
andrew@ldlawsc.com

William F. Childers, Jr.
Eller Tonnsen Bach
1306 South Church Street,
Greenville, South Carolina 29605
wchilders@etblawfirm.com

Christopher R. Antley
Greenville County Attorney's Office
301 University Ridge, Suite 2400
Greenville, South Carolina 29601
cantley@greenvillecounty.org



Susan M. Minor
Legal Assistant/Paralegal

Greenville, South Carolina
February 20, 2023

W Y C H E

Attorneys at Law

RECEIVED

Feb 21 2023

SC Court of Appeals

February 20, 2023

via email only

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201
Email: ctappfilings@sccourts.org

RE: *Alliance to Preserve the Old White Horse Road Corridor, LLC and Mary Jean Horney v. RP&L, LLC and the Greenville County Planning Commission*
Appellate Case No. 2022-001301

Dear Ms. Kitchings:

Pursuant to Section (b)(2) of the Supreme Court's Order RE: Methods of Electronic Filing and Service Under Rule 262 of the South Carolina Appellate Court Rules, please find enclosed for filing the **Motion For Extension To File Reply Brief of Appellants** in the above referenced matter. In accordance with Section (d)(1) of this same Order, I am hereby serving copies on all counsel of record. The \$50.00 filing fee is being sent under separate cover.

With highest regards,



William M. Wilson III
(864) 242-8294
bwilson@wyche.com

cc: Townes B. Johnson, III
William F. Childers, Jr.
Christopher R. Antley
John Devlin
Andrew Lindemann

W Y C H E
PROFESSIONAL ASSOCIATION

PO Box 728, Greenville, SC 29602-0728
p: 864.242.8200 | f: 864.235.8900
www.wyche.com