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Apr 12 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas
R. Ferrell Cothran, Jr. , Circuit Court Judge

Appellate Case No. 2022-001587

315 Corley CW LLC; 368 Mount Pelia LLC; Bridge Charleston Investments B LLC; Bridge Charleston Investments C LLC; Bridge Charleston Investments E LLC; Bridge Charleston Investments H LLC; Anne Bosler and Dylan Hart as Trustees of the Bosler-Hart Trust; Geoffrey J. Block; R. Jeffrey Kimball and Deborah S. Kimball; Sebrina Leigh-Jones and Chris Leigh-Jones; Jennifer Albero; Live Oak Assets LLC; Matthew N. Lynch and Barbara A. Lynch; MKM 22 West LLC; One Rumford Lane LLC; Salt Works LLC; and TTJR LLC; individually, derivatively, and as class representatives, as set forth herein,Respondents/Appellants,

v.

Palmetto Bluff Development, LLC; Palmetto Bluff Club, LLC; Palmetto Bluff Real Estate Company, LLC; PBLH, LLC; Montage Palmetto Bluff, LLC; Palmetto Bluff Preservation Trust, Inc.; Palmetto Bluff Preservation Trust Board of Stewards: Jordan Phillips; Mark Polites; Gray Ferguson; Henry Armistead; South Street Partners LLC; John Does 1-25, Appellants/Respondents.

**MOTION FOR EXTENSION OF TIME TO FILE
INITIAL REPLY BRIEF OF APPELLANTS/RESPONDENTS**

Appellants/Respondents Palmetto Bluff Development, LLC; Palmetto Bluff Club, LLC; Palmetto Bluff Real Estate Company, LLC; PBLH, LLC; Montage Palmetto Bluff, LLC; Palmetto Bluff Preservation Trust, Inc.; Palmetto Bluff Preservation Trust

Board of Stewards: Jordan Phillips; Mark Polites; Gray Ferguson; Henry Armistead; South Street Partners LLC (collectively, "Palmetto Bluff"), pursuant to Rule 240, SCACR, respectfully moves for an order extending the deadline to file and serve its Initial Reply Brief to June 3, 2023, which would reinstate the reply briefing period in this Court's original scheduling order for this appeal. In support of this motion, Palmetto Bluff would show as follows:

1. Palmetto Bluff filed and served its Initial Appellants' Brief of Appellants/ Respondents on January 30, 2023. Under the scheduling order for this appeal issued December 9, 2022, the Initial Respondents' Brief of Respondents/ Appellants was due on March 10, 2023, and Palmetto Bluff's Initial Reply Brief was due 24 days later, on April 4, 2023. Thus, the scheduling order provided an additional 14 days, beyond the 10 days allowed under Rule 208(a)(3), SCACR, for the filing of Palmetto Bluff's Initial Reply Brief.

2. Due to counsel's trial schedule, Respondents/ Appellants have requested, Palmetto Bluff has consented to, and this Court has granted two extensions of the March 10 deadline for their Initial Respondents' Brief, which is now due on May 10, 2023.

3. The new deadline for the Initial Respondents' Brief supersedes the scheduling order's deadline for Palmetto Bluff's Initial Reply Brief. Accordingly, under

the 10-day deadline of Rule 208(a)(3), SCACR, Palmetto Bluff's Initial Reply Brief will be due on Monday, May 22, 2023.¹

4. In providing 24 days for the drafting of reply briefs, the scheduling order reflected the complexity and novelty of the issues and resulting the need for additional time to ensure that the issues and arguments are adequately presented for this Court's consideration. In seeking this extension, Palmetto Bluff is merely asking the Court to reinstate the extension conferred by the now-superseded scheduling order.

5. An extension is warranted for the additional reason that the parties recently engaged in a mediation and are continuing to actively negotiate the terms of a potential resolution to the parties' disputes.

6. For the reasons set forth above, Palmetto Bluff respectfully requests entry of an order extending the deadline for its Initial Reply Brief to June 3, 2023.

7. Undersigned counsel has conferred with counsel for Respondents/ Appellants and is authorized to state that they consent to the relief requested herein.

¹ Ten days from service of the Initial Respondents' Brief, *see* Rule 208(a)(3), SCACR, is Saturday, May 20, 2023. Pursuant to Rule 263(a), SCACR, the filing deadline automatically rolls to Monday, May 22, 2023.

April 12, 2023

Respectfully submitted,

s/Val H. Stieglitz

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PROOF OF SERVICE

I certify that I have served the foregoing Motion for Extension of Time to File Initial Reply Brief of Appellants/Respondents on Respondents/Appellants 315 Corley CW LLC; 368 Mount Pelia LLC; Bridge Charleston Investments B LLC; Bridge Charleston Investments C LLC; Bridge Charleston Investments E LLC; Bridge Charleston

Investments H LLC; Anne Bosler and Dylan Hart as Trustees of the Bosler-Hart Trust; Geoffrey J. Block; R. Jeffrey Kimball and Deborah S. Kimball; Sebrina Leigh-Jones and Chris Leigh-Jones; Jennifer Albero; Live Oak Assets LLC; Matthew N. Lynch and Barbara A. Lynch; MKM 22 West LLC; One Rumford Lane LLC; Salt Works LLC; and TTJR LLC by emailing a copy of the same to the following counsel of record for Respondents using the primary email address listed in the Attorney Information System.

Ian S. Ford, Ian.Ford@FordWallace.com

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Hunter H. James, Hunter.James@FordWallace.com

April 12, 2023

s/ Kirsten E. Small

Kirsten E. Small, SC Bar No. 75681