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May 25 2023

SC Court of Appeals

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

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 No. 2023-000778
Opinion No. 5966 (S.C. Ct. App. Filed February 1, 2023)

City of Charleston,

Petitioner,

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.

**SECOND MOTION FOR EXTENSION OF TIME TO
SERVE/FILE PETITION FOR WRIT OF CERTIORARI**

**Counsel identified on the following page*

CLEMENT RIVERS, LLP
Wilbur E. Johnson (SC Bar No. 3062)
Russell G. Hines (SC Bar No. 72100)
25 Calhoun Street, Suite 400
Charleston, South Carolina 29401
P.O. Box 993 (29402)
wjohnson@ycrlaw.com
rhines@ycrlaw.com
(843) 720-5488

and

Frances I. Cantwell (SC Bar No. 1121)
Julia P. Copeland (SC Bar No. 77199)
CITY OF CHARLESTON
Legal Department
50 Broad Street
Charleston, South Carolina 29401
fcantwell054@gmail.com
copelandj@charleston-sc.gov
(843)-724-3730

Attorneys for the City of Charleston

NOW COMES Petitioner, City of Charleston, by and through its undersigned counsel, on the grounds stated below, pursuant to Rule 263(b), SCACR, as well as the Court's order of July 16, 2014, regarding Extensions in Cases Seeking a Petition for a Writ of Certiorari to Review a Decision of the South Carolina Court of Appeals, and hereby moves for a second extension of ten (10) days' time to file/serve its petition to this Court for issuance of a writ of certiorari to the Court of Appeals to review its decision in this matter.

Presently, by order of this Court filed May 15, 2023, the deadline for Petitioner to file/serve a petition to this Court for a writ of certiorari is May 25, 2023. Due to other time commitments, both work- and non-work-related, the undersigned counsel for Petitioners requests ten (10) additional days, beyond this date, to prepare Petitioner's petition seeking this Court's review of the Court of Appeals' decision via writ of certiorari, and the undersigned submits that there is good cause to allow the requested dispensation: It is in furtherance of the interests of justice; it will not work any undue prejudice upon any other party; and it is consistent with the extension protocol established by the Court's aforementioned order of July 16, 2014.

WHEREFORE, Petitioner respectfully requests this Honorable Court grant it an extension of ten (10) days' time to file/serve its petition for a writ of certiorari. With the extension requested herein, the new deadline for filing/serving the petition for writ of certiorari would be June 5, 2023, according to the undersigned's calculations. Further, Petitioners respectfully request that the Court hold the present deadline in abeyance until it acts upon this motion.

[signature on next page]

[Signature page for Second Motion for Extension of Time to Serve/File Petition for
Writ of Certiorari, Appellate Case No. 2023-000778]

Respectfully submitted,

By: s/Russell G. Hines
CLEMENT RIVERS, LLP
Wilbur E. Johnson (SC Bar No. 3062)
Russell G. Hines (SC Bar No. 72100)
25 Calhoun Street, Suite 400
Charleston, South Carolina 29401
P.O. Box 993 (29402)
wjohnson@ycrlaw.com
rhines@ycrlaw.com
(843) 720-5488

and

Frances I. Cantwell (SC Bar No. 1121)
Julia P. Copeland (SC Bar No. 77199)
CITY OF CHARLESTON
Legal Department
50 Broad Street
Charleston, South Carolina 29401
fcantwell054@gmail.com
copelandj@charleston-sc.gov
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Attorneys for the City of Charleston

Charleston, South Carolina

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Plaintiff,

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City of Charleston,

Defendant.

and

City of Charleston,

Plaintiff,

v.

City of North Charleston and Millbrook Plantation, LLC

Defendants.

PROOF OF SERVICE

**Counsel identified on the following page*

CLEMENT RIVERS, LLP
Wilbur E. Johnson (SC Bar No. 3062)
Russell G. Hines (SC Bar No. 72100)
25 Calhoun Street, Suite 400
Charleston, South Carolina 29401
P.O. Box 993 (29402)
wjohnson@ycrlaw.com
rhines@ycrlaw.com
(843) 720-5488

and

Frances I. Cantwell (SC Bar No. 1121)
Julia P. Copeland (SC Bar No. 77199)
CITY OF CHARLESTON
Legal Department
50 Broad Street
Charleston, South Carolina 29401
fcantwell054@gmail.com
copelandj@charleston-sc.gov
(843)-724-3730

Attorneys for the City of Charleston

I, Russell G. Hines, of Clement Rivers, LLP, attorneys for the City of Charleston, hereby certify that the **SECOND MOTION FOR EXTENSION OF TIME TO SERVE/FILE PETITION FOR WRIT OF CERTIORARI** was served on May 25, 2023, on all parties to this matter via emailing (see attached) a copy of the same to the following:

Frances I. Cantwell, Esquire
fcantwell054@gmail.com
Julia P. Copeland, Esquire
copelandj@charleston-sc.gov

Additional Counsel for the City of Charleston

J. Brady Hair, Esquire
brady@bradyhair.com
Derk Van Raalte, IV, Esquire
dvanraalte@northcharleston.org

Attorneys for the City of North Charleston

Bruce E. Miller, Esquire
bmiller@brucemillerlaw.com
Attorney for Millbrook Plantation, LLC

I also certify that Petitioner's **SECOND MOTION FOR EXTENSION OF TIME TO SERVE/FILE PETITION FOR A WRIT OF CERTIORARI** and **PROOF OF SERVICE** was filed with the South Carolina Court of Appeals on May 25, 2023, via email to ctappfilings@sccourts.org.

Respectfully submitted,
CLEMENT RIVERS, LLP

By: s/Russell G. Hines
Russell G. Hines (SC Bar No. 72100)
Attorneys for the City of Charleston

Charleston, South Carolina

May 25, 2023

Bell, Pollyana (Polly)

From: Bell, Pollyana (Polly)
Sent: Thursday, May 25, 2023 11:15 AM
To: 'fcantwell054@gmail.com'; 'copelandj@charleston-sc.gov'; 'brady@bradyhair.com';
'dvanraalte@northcharleston.org'; 'bmiller@brucemillerlaw.com'
Cc: Russell, Karen; Johnson, Wilbur; Justman, Aimee; Hines, Russell
Subject: City of Charleston v. City of North Charleston (Sup. Ct. 23-000778 // Ct. App.
19-000903) - (CR 210598)
Attachments: 2nd Mtn for Ext-Petition for Writ of Cert.pdf

Enclosed please find the City of Charleston's Second Motion for Extension of Time to Serve/File Petition for Writ of Certiorari which will be filed today in the above-referenced matter.

Thank you,

Pollyana Bell
Project Assistant
Commercial Litigation Practice Group
Phone:(843)720-5488 | Fax:(843)579-1369



CLEMENT RIVERS, LLP
25 Calhoun Street • Suite 500 • Charleston, SC 29401
FOR OFFICE