

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY FAMILY COURT

Appellate Case No. 2023-001376

Justin McGeeRespondent,

v.

Lindsay F. McGee.....Petitioner.

**Respondent’s Motion for Extension of Time to File Return to
Petitioner’s Amended Motion to Suppress Evidence**

Respondent Justin McGee moves this Court under Rules 240 and 263(b), SCRPC to extend his time for filing a Return to Petitioner’s Amended Motion to Suppress. Respondent’s Return is currently due Monday, September 11, 2023. Respondent now requests his deadline be extended to 14 days after the Court rules on Respondent’s Motion to Dismiss or, alternatively, 14 days after the existing deadline. The grounds establishing good cause to grant this motion are:

1. Respondent has contemporaneously filed a motion to dismiss these proceedings because the Court lacks jurisdiction to entertain this Family Court matter in its original jurisdiction as there is nothing from which Petitioner may appeal or seek this Court to review. Because the Court must first assure itself of its jurisdiction, Respondent respectfully requests that the Court entertain and rule on the novel issue of its jurisdiction under the South Carolina Homeland Security Act, S.C. Code Ann. §§ 17-30-10 to -145.

2. Over the past ninety days, the parties have started to engage in discovery in the underlying Family Court proceeding. As a part of that discovery, several subpoenas have been

issued involving the issues raised by Petitioner in the Amended Motion filed with this Court. Some of these subpoenas remain outstanding. For example, Bank of America responded yesterday requesting a 14-day extension to Petitioner's subpoena for records related to access of certain financial information central to the wiretap allegations. Respondent anticipates this subpoena response will likely undermine many of the claims Petitioner makes to this Court. Granting the extension would allow the parties to secure responses to these subpoenas so that the proper factfinding analysis can be conducted with a complete record of the issues.

3. Petitioner has filed a motion and amended motion along with 102 pages of exhibits a little over a week ago. Many of the affidavits and exhibits filed involve technical issues alleged by Petitioner's experts that must be reviewed and addressed by Respondent's experts. Having just retained appellate counsel on Wednesday, and extension of time to allow Respondent to address the numerous factual inaccuracies and misunderstanding in Petitioner's filing is requested if the Court determines that it has jurisdiction.

Conclusion

For the reasons set forth above, Respondent requests his deadline to file a return to Petitioner's Amended motion be extended until 14 days after the Court's resolution of Respondent's Motion to Dismiss or, alternatively, through Monday, September 25, 2023.

[Signature on following page.]

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: /s/ Matthew A. Abee

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Columbia, South Carolina
September 8, 2023

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SC Court of Appeals

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Proof of Service

I, the undersigned partner of the law offices of Nelson Mullins Riley & Scarborough LLP, attorneys for Petitioner Academy, Ltd. d/b/a Academy Sports + Outdoors, certify that I have served all parties in this action with a copy of the document(s) set forth below email:

Document(s): **Respondent’s Motion for Extension of Time to File Return**

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Attorney for Respondent Justin McGee

Columbia, South Carolina
September 8, 2023

Matt Abee

From: Matt Abee
Sent: Friday, September 8, 2023 2:59 PM
To: 'pete@mscmlaw.com'
Cc: 'lizzie@mscmlaw.com'; 'Jerry@Theoslaw.com'; 'Brittany Point'; 'Jackie'; 'ml@ramsdalelaw.com'; 'Lori Ross'
Subject: Service Copy - Motion to Dismiss and Motion for an Extension - McGee v. McGee (No. 2023-001376) - 079821.01501
Attachments: Respondent's Motion to Dismiss - McGee (2023-001376).pdf; Respondent's Motion for Extension to File Return - McGee (2023-001376).pdf; Proof of Service - McGee (Motion to Dismiss).pdf; Proof of Service - McGee (Extension Motion).pdf

Pete,

For service on you by email under Supreme Court Order No. 2022-05-06-03, please find Respondent's Motion to Dismiss, Motion for an Extension, and Proofs of Service.

Please feel free to contact me should you have any questions. Thanks.

-Matt

Please note that I will be out of the country September 22 through October 6, 2023.



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