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Sep 15 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas
R. Keith Kelly, Circuit Court Judge

Circuit Court Case No. 2022-CP-10-03328
Appellate Case No. 2023-001006

Justin O'Toole Lucey, Appellant,

v.

The Town of Mount Pleasant, South Carolina, and
WIN515, LLC, Respondents.

**APPELLANT'S FIRST MOTION FOR EXTENSION OF TIME TO FILE INITIAL
BRIEF AND DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD**

Appellant Justin O'Toole Lucey ("Appellant"), by and through his undersigned counsel, respectfully moves this Court, pursuant to Rules 240 and 263, SCACR, for entry of an order extending the time by which Appellant must file his initial brief and Designation of Matter to be Included in the Record on Appeal ("Designation of Matter") by thirty (30) days. The grounds for this motion are as follows:

1. On June 20, 2023, Appellant timely served and filed his Notice of Appeal to this Court. On June 22, 2023, Appellant timely requested the transcript of the lower court proceedings. Said transcript was received on September 14, 2023, as documented via the filings with the Court on even date relating to the same. As such, the current deadline for Appellant to file his initial

brief and Designation of Matter, under Rules 208(a), 209(a), 263(a), SCACR, is Monday, October 16, 2023.

2. Appellant seeks a 30-day extension of said deadline, pursuant to Rule 263(b) SCACR, to allow his counsel adequate time to prepare his initial brief.

3. This is Appellant's first request for an extension of time within which to file his initial brief and Designation of Matter. This request is supported by good cause and is not made in an effort to unnecessarily delay these proceedings, but rather is a request necessitated by Appellant's counsel's previously scheduled professional and family commitments.

4. One of Appellant's attorneys will be traveling out of the country the first week of October for the Counselors of Real Estate's Annual Convention, and both of Appellant's attorneys have plans to travel out of state for family vacation during early October. Additionally, Appellant's counsel have multiple professional commitments in other cases that warrant this request for an extended deadline. In addition to multiple deadlines for responsive pleadings, summary judgment briefing, and filings in other appellate cases during late September and the first half of October 2023, Appellant's counsel currently have multiple cases subject to being called for trial during October 2023.

5. Accordingly, Appellant respectfully requests that this Court enter an Order extending the deadline by which Appellant must file his initial brief and Designation of Matter by thirty (30) days, such that the proposed new deadline would be November 15, 2023. Granting this motion would promote the interests of justice as well as preserve Court resources.

6. This Motion is supported by the grounds set forth herein and the South Carolina Appellate Court Rules.

[SIGNATURE FOLLOWS]

Respectfully submitted,

s/Evan P. Williams

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COUNSEL FOR APPELLANT

JUSTIN O'TOOLE LUCEY

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PROOF OF SERVICE

I certify that I have served Appellant's First Motion for Extension of Time to File Initial Brief and Designation of Matter to be Included in the Record on the above-named Respondents via email to their respective counsel of record, on September 15, 2023, containing the above-referenced document as an attachment in .pdf, sent to the addresses shown below.

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Respectfully submitted,

s/Evan P. Williams

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September 15, 2023

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September 15, 2023

VIA E-MAIL

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
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RE: *Justin O'Toole Lucey v. The Town of Mount Pleasant, South Carolina, and WIN515, LLC*
Appellate Case No. 2023-001006

Dear Ms. Kitchings:

Please find enclosed for filing, on behalf of Appellant Justin O'Toole Lucey ("Appellant"), Appellant's First Motion for Extension of Time to File Initial Brief and Designation of Matter to be Included in the Record, as well as the Proof of Service of the same.

By copy of their counsel on the filing transmittal e-mail, Respondents in this case are served with Appellant's First Motion for Extension of Time to File Initial Brief and Designation of Matter to be Included in the Record.

A check for the filing fee of \$50.00 is being mailed to the Court under separate cover.

Yours Sincerely,



Evan P. Williams

Enclosures

cc (via e-mail): Brian L. Quisenberry, Esq. (bquisenberry@ycrlaw.com)
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