

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

69106

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

J.C. Nicholson, Jr., Circuit Court Judge

Case No. 2012-CP-10-2802

Discover Bank,.....Appellant,
v.
Jay Brown a/k/a John G. Brown, II,.....Respondent.

MOTION FOR EXTENSION OF TIME

The Appellant, Discover Bank, by and through its undersigned counsel, hereby moves this Court for an Order allowing the Appellant serve a Reply Brief out of time and a concomitant Order extending the due date for Final Briefs so as not to prejudice either party. The parties have been actively engaged in settlement discussions and have reached an agreement in principal. A proposed Settlement Agreement has been drafted by the Appellant and forwarded to the Respondent for review. This motion is sought in the event that the Parties are not able to finalize settlement terms.

Should the Appeal move forward, the Appellant believes a rebuttal to arguments raised in the Respondent's Brief is necessary for a full and complete discussion of the issues raised on appeal. These arguments include but are not limited to: 1) the appropriate definition of a consumer, 2) whether certain issues have been properly preserved for appeal, and 3) whether the Appellant has pleading inconsistent facts.

Prior to filing this motion, counsel for the Appellant discussed the merits of this motion with counsel for the Respondent, who gave their consent to the Appellant's requests to serve of the Reply out-of-time and to extend the time to file Final Briefs. The Appellant requests a thirty (30) day extension, or until August 12, 2013, in which to file the Appellant's Reply to Respondent's Initial Brief and a sixty (60) day extension for both Parties to file Final Briefs.

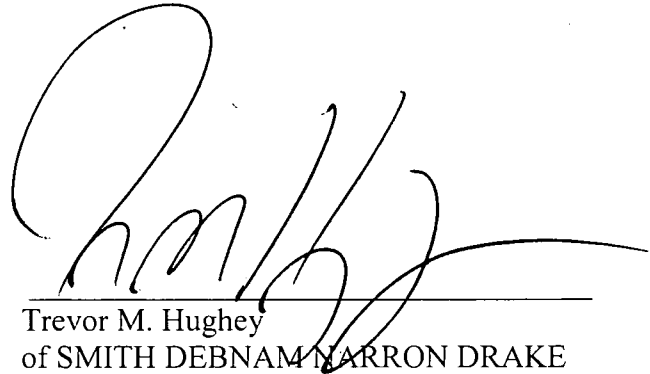
(SIGNATURE TO FOLLOW)

RECEIVED

JUL 16 2013

SC Court of Appeals

July 12, 2013

A large, stylized handwritten signature in black ink, appearing to read 'T. Hughey', is written over a horizontal line.

Trevor M. Hughey
of SMITH DEBNAM MARRON DRAKE
SAINTSING & MYERS, L.L.P.
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Discover Bank,.....Appellant,

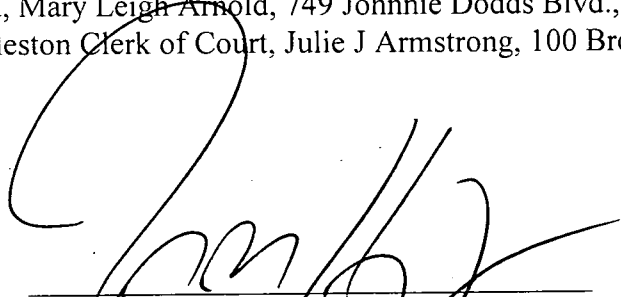
v.

Jay Brown a/k/a John G. Brown, III,.....Respondent.

PROOF OF SERVICE

I certify that I have served the Appellant's Motion for an Extension of Time on Jay Brown a/k/a John G. Brown, III by depositing a copy of it in the United States Mail, postage prepaid, on July 12, 2013 addressed to his attorney of record, Mary Leigh Arnold, 749 Johnnie Dodds Blvd., Suite B, Mount Pleasant, SC 29464 and the Charleston Clerk of Court, Julie J Armstrong, 100 Broad St., Suite 106, Charleston, SC 29401.

July 12, 2013



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Smith Debnam
ATTORNEYS AT LAW

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July 12, 2013

Telephone: (919) 250-2000
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The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RE: Discover Bank, Appellant v. Jay Brown a/k/a John G. Brown II, Respondent,
Case No. 2012-CP-10-2802

Dear Ms. Kitchings:

Enclosed for filing is the Appellant's Motion for an Extension of Time to Reply to Respondent's Initial Brief and to extend the due date for the Final Briefs.

Sincerely,

Trevor M. Hughey
of SMITH DEBNAM NARRON DRAKE
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(919) 250-2000
Attorney for Appellant

cc: Ms. Mary Leigh Arnold
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(843) 971-6053
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