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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM UNION COUNTY
Court of Common Pleas

Daniel D. Hall, Circuit Court Judge

Appellate Case No. 2023-000572

Fast Formliners Company Appellant / Respondent,

vs.

Construction Resource Group, Inc. Respondent / Appellant,

**CONSENT MOTION OF RESPONDENT / APPELLANT FOR AN
ENLARGEMENT OF TIME TO FILE ITS INITIAL RESPONSIVE BRIEF, ITS
INITIAL OPENING BRIEF, AND THE ASSOCIATED DESIGNATION OF
MATTER FOR THE RECORD ON APPEAL**

PLEASE TAKE NOTICE THAT, pursuant to Rule 240, SCACR, the undersigned counsel for Construction Resource Group, Inc., Respondent / Appellant, is respectfully requesting an enlargement of the time within which to file and serve its initial responsive brief, its initial opening brief, as well as its designations of matter for the record on appeal. In furtherance of this Motion, Movant would respectfully show as follows:

1. The undersigned has recently been engaged by Movant as legal counsel for the purposes of these appellate proceedings, and was not involved in the underlying trial court proceedings.

2. The matter that forms the substance of these appellate proceedings is a cross-appeal arising from the trial of a breach of contract action. Each party filed its notice of appeal on April 6, 2023.

3. Because of various extensions that have been granted by the Court of Appeals previously, Movant is presently subject to two separate filing deadlines: (i) for Movant's initial responsive brief to Fast Formliners Company's opening brief, the deadline is Thursday, October 5; and (ii) for Movant's initial opening brief, the deadline is Wednesday, October 11.

4. Prior to the undersigned's appearance in this case, Movant had requested—and received—only one extension of time, for the deadline to file its initial opening brief. Movant has never requested an extension of time to file its initial responsive brief.

5. Furthermore, the undersigned is No. 1 on the non-jury trial roster in Anderson County for the term commencing on Monday, October 9, and there is no hope of that case resolving prior to trial.

6. Because of the undersigned's recent appearance in this case, and because of his counsel's imminent trial schedule, Movant would very much appreciate a brief extension of time in which to prepare and file the pertinent appellate briefs.

7. Specifically, Movant would propose the entry of an order that would require the filing of Movant's initial responsive brief, initial opening brief, and designation of matter for the record on appeal by no later than Wednesday, November 1, 2023.

8. Prior to filing this Motion, the undersigned conferred about the extension requested with opposing counsel, who graciously offered their consent.

WHEREFORE, in light of the foregoing circumstances, and noting the consent of opposing counsel, Movant would respectfully request the entry of an order that would provide the relief herein requested.

Respectfully,

s/Steven Edward Buckingham

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Greenville, South Carolina
October 4, 2023