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Oct 05 2023

SC Court of Appeals

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

Appeal from Charleston County
Mikell R. Scarborough, Master-in-Equity

Case No. 2017-CP-10-06111

Appellate Case No. 2022-001359

| | | |
|--|-----|-------------|
| Maybank Holding's, LLC, | | Appellant, |
| | v. | |
| James Island Center, LLC, | | Respondent. |
| | and | |
| James Island Center, LLC, | | Respondent, |
| | v. | |
| Richard D. Tuorto, Chandler Frierson, Natalie Myers, John R. Hibbits, Jr. and Elizabeth A. Hibbits, | | Appellants. |

**CONSENT MOTION TO HOLD APPEAL IN ABEYANCE
TO ALLOW PARTIES TO PURSUE SETTLEMENT**

CLEMENT RIVERS, LLP
Edward D. Buckley, Jr. (SC Bar No. 994)
Russell G. Hines (SC Bar No. 72100)
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(843) 720-5488

Attorneys for Respondent

NOW COMES Respondent, James Island Center, LLC, by and through its undersigned counsel, joined by and with the consent of Appellants, Maybank Holding's, LLC, Richard D. Tuorto, Chandler Frierson, Natalie Myers, John R. Hibbits, Jr. and Elizabeth A. Hibbits, by and through their undersigned counsel, and moves this Honorable Court for an order holding this appeal in abeyance for a period of at least one hundred twenty (120) days to allow the parties time to pursue settlement of this matter.

Pursuant to the Court's order filed September 14, 2023, the deadline for Respondent's initial brief and designation of matter is today, October 5, 2023. For some time now, however, the parties have been working in good faith to try to settle this matter, and they have made substantial progress toward that end, but consummating the settlement they are trying to accomplish will require the consummation of a real estate transaction(s) first, and consummation of such transaction(s) will not be possible until early next year.

The instant motion is made on the grounds that the parties mutually believe that there is good cause to grant the relief requested herein, the grant of which relief, the parties submit, will not result in any undue prejudice, but rather will further the interests of justice and judicial economy by promoting a cooperative resolution of this matter, the parties' efforts toward that end having already proceeded to the point that both sides expect and believe in good faith that they

will be able to consummate a settlement of the matter in the relatively near term (i.e., a matter of months) provided they are allowed the time for the consummation of the aforementioned real estate transaction(s).

WHEREFORE, Respondent, joined by and with the consent of Appellants, moves the Court to hold this appeal in abeyance for a period of at least one hundred twenty (120) days to allow the parties time to pursue settlement of this matter. ALTERNATIVELY, in case the Court is not inclined to grant the primary relief requested herein (which is to hold this appeal in abeyance for a period of at least one hundred twenty (120) days to allow the parties time to pursue settlement of this matter), Respondent, again joined by and with the consent of Appellants, moves the Court to extend the deadline for serving and filing Respondent's initial brief and designation of matter by another thirty (30) days. LASTLY, the parties ask that the Court hold the deadline for Respondent to serve and file its initial brief and designation of matter in abeyance until it acts on the instant motion.

<SIGNED ON THE FOLLOWING PAGE>

Respectfully submitted,
CLEMENT RIVERS, LLP

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Charleston, South Carolina

October 5, 2023

WE JOIN AND CONSENT:

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and

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October 5, 2023

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PROOF OF SERVICE

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Attorneys for Respondent

I, Russell G. Hines, of Clement Rivers, LLP, attorneys for Respondent, hereby certify that the **CONSENT MOTION TO HOLD APPEAL IN ABEYANCE TO ALLOW PARTIES TO PURSUE SETTLEMENT** was served on Appellants on October 5, 2023, by emailing (see attached email) a copy of the same to Appellants' counsel of record:

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Respectfully submitted,
CLEMENT RIVERS, LLP

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Attorneys for Respondent

Charleston, South Carolina

October 5, 2023

Bell, Pollyana (Polly)

From: Bell, Pollyana (Polly)
Sent: Thursday, October 5, 2023 3:29 PM
To: 'M.Rhett.DeHart@wbd-us.com'; mdc@barnwell-whaley.com; jnovak@barnwell-whaley.com; mfarmer@thefarmerlawfirm.com
Cc: Hines, Russell; Buckley, Edward D. (Ed); Justman, Aimee
Subject: Maybank Holding's, LLC v. James Island Center, LLC; Appellate Case No. 2022-001359 (CR 180054)
Attachments: Maybank Holding's v. James Island Center (2022-001359) -- Consent Motion to Hold Appeal in Abeyance.pdf

Enclosed please find Respondent's Consent Motion to Hold Appeal in Abeyance to Allow Parties to Pursue Settlement for service upon you in the above-referenced matter.

Thank you,

Pollyana Bell
Project Assistant
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