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Nov 29 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHESTER COUNTY
In The Circuit Court

B. Alex Hyman, Circuit Court Judge

Appellate Case No. 2023-001089

ROBERT F. GOOREY,

Appellant,

v.

DEBORAH A. GOOREY and

SHAWN GOOREY,

of whom SHAWN GOOREY is the

Respondent.

OBJECTION TO APPELLANT'S
THIRD MOTION FOR EXTENSION
OF TIME

Pursuant to Rules 240 and 263(b), S.C.A.C.R., the Respondent Shawn Goorey, by his counsel herein, objects to and opposes Appellant's Third Motion for an Extension of Time as follows:

1. Appellant filed his Notice of Appeal on July 6, 2023.
2. The Transcript of Proceeding was delivered to Appellant on August 23, 2023. Thus, Appellant's initial brief was due no later than September 22, 2023, pursuant to Rule 208(a)(1) S.C.A.C.R.
3. Appellant failed to serve and file his initial brief by September 22, 2023.
4. Counsel for Appellant filed a Motion for Extension of Time on September 22, 2023, citing "press of business in his office, including multiple hearings and deadlines."
5. This Court issued an Order on September 22, 2023, extending Appellant's time to October 23, 2023, serve and file his initial brief.
6. Appellant failed to serve and file his Initial Brief by October 23, 2023.
7. Counsel for Appellant filed a second Motion for Extension of Time on October 30, 2023, citing verbatim from his initial motion "press of business in his office, including multiple

hearings and deadlines.” Counsel for Appellant also acknowledged that he missed the extension deadline by “inadvertence”.

8. This Court issued an Order on November 2, 2023, extending Appellant’s time to November 28, 2023, serve and file his initial brief. The November 2, 2023, Order specifies that “no further extensions will be given absent **extraordinary circumstances.**” (emphasis added).
9. Counsel for Appellant filed a third Motion for Extension of Time on November 28, 2023, again citing press of business in his office, hearings, and deadlines.
10. Appellant has had approximately 97 days from the date that he received the Transcript of Proceeding to file his initial brief.
11. Counsel for Appellant offered the same explanation (press of business, hearings, and deadlines) in all three motions for an extension of time. Thus, the circumstances that Counsel for Appellant alleges warrant an extension of time have not materially changed since his prior motion, despite the Court’s instruction that no further extensions would be granted absent extraordinary circumstances.
12. Appellant has failed to assert or demonstrate extraordinary circumstances warranting a third extension.
13. Respondent objects to and opposes Appellant’s motion and requests that it be denied.
14. Respondent further moves pursuant to Rules 208 and 260 to dismiss Appellant’s appeal .

WHEREFORE, the Respondent request that this Court deny Appellant’s motion and issue an Order dismissing this case, pursuant to Rules 208 and 260, S.C.A.C.R.

/s/ Joe Terrious K. Neal
P.O. Box 707
Rock Hill, S. C. 29731
803 366-3388
Attorney for Respondent

November 29, 2023

Rock Hill, South Carolina

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PROOF OF SERVICE

I certify that I have served the Return to Appellant's Motion for Extension of time dated November 29, 2023, on the following counsel or persons of record:

John Martin Foster
Attorney for Robert Goorey
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by service to the opposing lawyer's primary e-mail address listed in the Attorney Information System (AIS), as authorized by Section d(1) of the Order of the Supreme Court dealing with Electronic Filing and Service amended May 6, 2022.

November 29, 2023

/s/ Joe Terrious K. Neal
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Attorney for Respondent

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