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Nov 30 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM CHARLESTON COUNTY

Court of Common Pleas

Judge R. Keith Kelly, Circuit Court Judge

Appellate Case No.: 2023-001006

Justin O'Toole Lucy,

Appellant

v.

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

Respondents.

**RESPONDENT WIN515, LLC'S FIRST MOTION FOR EXTENSION OF TIME TO
FILE INITIAL RESPONSE BRIEF AND DESIGNATION OF MATTER**

Respondent WIN515, LLC ("WIN515"), by and through its undersigned counsel, respectfully moves this Court, pursuant to Rules 240 and 263, SCACR, for entry of an order extending the time by which WIN515 must file its initial response brief by thirty (30) days. WIN515's initial response brief and Designation of Matter is currently due December 15, 2023, pursuant to Rules 208(a)(2) and 209(a), SCACR. The requested extension would extend these deadlines to January 15, 2024. The grounds for this motion are as follows:

1. On June 20, 2023, Appellant Justin O'Toole Lucey ("Appellant") served and filed his Notice of Appeal. On June 22, 2023, Appellant requested the transcript of the lower court

proceedings. Said transcript was received on September 14, 2023, as documented via the filings with the Court.

2. On November 15, 2023, Appellant filed his initial brief and Designation of Matter.

3. Pursuant to Rules 208(a)(2) and 209(a), SCACR, WIN515's initial response brief and Designation of Matter are due on December 15, 2023.

4. WIN515 seeks a 30-day extension of the December 15, 2023 deadline, pursuant to Rules 240 and 263, SCACR, to allow its counsel adequate time to prepare and file its initial response brief and Designation of Matter.

5. This is WIN515's first request for an extension of time within which to file its initial response brief and Designation of Matter. This request is supported by good cause and is not made to unnecessarily delay these proceedings. This request is necessitated by WIN515's counsel's previously scheduled professional and family commitments over the Thanksgiving, Christmas, and New Year holidays.

6. Accordingly, WIN515 respectfully requests this Court enter an Order extending the deadline by which WIN515 must file its initial response brief and Designation of Matter by thirty (30) days, such that the proposed new deadline would be January 15, 2024. Granting this motion would promote the interests of justice as well as preserve Court resources.

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

[SIGNATURE PAGE TO FOLLOW]

Respectfully submitted,

s/Ross A. Appel

Ross A. Appel, Esq., SC Bar No.: 79149

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COUNSEL FOR RESPONDENT WIN515, LLC

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PROOF OF SERVICE


I, Elizabeth M. Lademan, paralegal at McCullough Khan Appel, hereby certify that a true and correct copy of **Respondent WIN515, LLC's First Motion For Extension of Time to File Initial Response Brief and Designation of Matter** was served upon counsel for Appellant and Respondent The Town of Mount Pleasant in the above-captioned matter via email, this 30th day of November, 2023, addressed as follows:

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November 30, 2023
Mount Pleasant, South Carolina



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VIA E-MAIL AND U.S. MAIL

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201
ctappfilings@sccourts.org

**Re: Justin O'Toole Lucey v. The Town of Mount Pleasant, South Carolina, and
WIN515, LLC
Appellate Case No. 2023-001006**

Dear Ms. Kitchings:

I hope this finds you well. Enclosed, please find a check in the amount of \$50.00, payable to the South Carolina Court of Appeals, for payment of the filing fee for Respondent WIN515, LLC'S First Motion for Extension of Time to File Initial Response Brief and Designation of Matter. This motion was filed earlier today via e-mail along with the Proof of Service.

If you have any questions or need anything further from our office, please do not hesitate to contact me. Thank you for your assistance in this matter.

With kind regards,

MCCULLOUGH • KHAN • APPEL

Ross A. Appel

cc: All Counsel of Record (via email)