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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,

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 Deborah A. Goorey ("Respondent"), by her counsel herein, objects and opposes Appellant's Third Motion for an Extension of Time as follows:

1. Respondent Deborah A. Goorey joins Respondent Shawn Goorey's Objections to Appellant's Third Motion for Extension of time.
2. Appellant filed his Notice of Appeal on July 6, 2023, and received the Transcript of Proceeding on August 23, 2023.

3. This Court has granted Appellant two extensions to file his initial brief, specifically on September 22, 2023, and November 2, 2023.
4. The Court's November 2, 2023, Order specifies that "no further extensions will be given absent **extraordinary circumstances.**" (emphasis added).
5. Appellant has had approximately 97 days from the date that he received the Transcript of Proceeding to file his initial brief.
6. Respondent Deborah A. Goorey has been prejudiced by Appellant's inability or refusal to pursue his appeal.
7. Respondent Deborah A. Goorey is the record owner of the property at issue in the underlying action. Appellant currently resides in the property.
8. Respondent Deborah A. Goorey has desired to sell the property at issue since 2021 and has not been able to list the property for sale due to the underlying action.
9. Appellant avoided eviction proceedings by claiming an interest in the property and filing the underlying action on April 13, 2021. Appellant also failed to vigorously pursue his claims in the underlying action, which caused the case to remain pending for over two years.
10. The underlying action was scheduled for trial on July 12, 2023, after Respondent Deborah A. Goorey filed a motion for a date certain, but was continued when Appellant filed his Notice of Appeal on July 6, 2023.
11. Respondent Deborah A. Goorey decided to sell the property in 2021 because she could no longer afford to maintain it. Respondent Deborah A. Goorey's inability to sell the home, continuing ownership expenses, and legal fees have caused her financial ruin.
12. Respondent Deborah A. Goorey cannot move forward with her life until the underlying case goes to trial and a court declares if the Appellant has an interest in the property or not.
13. Appellant's continuous filings and extensions are prolonging Respondent Deborah A. Goorey's day in Court on an action that is now approaching three years old. Appellant reaps the benefit of remaining in the property as long as the litigation continues.

14. Appellant should have been prepared to pursue his case and has failed to demonstrate any circumstances that warrant a third extension from this Court.
15. Thus, Respondent Deborah A. Goorey objects to and opposes Appellant's motion and requests that it be denied.
16. Respondent Deborah A. Goorey further moves pursuant to Rules 208 and 260 to dismiss Appellant's appeal so that the parties can proceed to trial on the underlying action.

WHEREFORE, the Respondent, Deborah A. Goorey, requests 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/April D. Porter
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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
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by service to the opposing lawyer's primary email 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

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