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Dec 15 2023

SC Court of Appeals

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

Appeal from Charleston County
Court of Common Pleas

R. Keith Kelly, Circuit Court Judge

Case No. 2022-CP-10-03328
Appellate Case No. 2023-001006

Justin O'Toole Lucey,

Appellant,

v.

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

Respondents.

**MOTION FOR EXTENSION OF TIME
TO FILE/SERVE INITIAL BRIEF OF RESPONDENT
THE TOWN OF MOUNT PLEASANT, SOUTH CAROLINA**

CLEMENT RIVERS, LLP
Stephen L. Brown (SC Bar No. 66468)
Brian L. Quisenberry (SC Bar No. 73637)
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(843) 720-5488

*Attorneys for Respondent
The Town of Mount Pleasant,
South Carolina*

NOW COMES Respondent The Town of Mount Pleasant, South Carolina (the “Town”), by and through its undersigned counsel, pursuant to Rule 263(b), SCACR, and moves for an extension of thirty (30) days’ additional time to file/serve its initial brief and corresponding designation of matter to be included in the record on appeal.

Appellant having served his initial brief on November 15, 2023, the deadline for the Town’s initial brief and designation of matter is today, December 15, 2023, pursuant to Rules 208(a)(2) and 209(a), SCACR. Because of work-related and other time commitments, the undersigned requests that this deadline be extended by 30 days, submitting most respectfully that this relief is consistent with the interests of justice and will not unduly prejudice any other party to this appeal.

WHEREFORE, the Town moves this Honorable Court to grant it an extension of 30 days’ time to file/serve its initial brief and corresponding designation of matter to be included in the record on appeal. With the extension requested herein, the new deadline for filing/serving its initial brief and designation of matter would be Tuesday, January 16, 2024, according to the undersigned’s calculations.¹ Additionally, the Town respectfully requests that the Court hold its

¹ Monday, January 15, 2024, is a state and federal holiday (Martin Luther King Jr. Day). Rule 263(a), SCACR, provides, “In computing any period of time prescribed or allowed by these Rules, by order of court, or by any applicable statute, the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period so

present initial-briefing/designation-of-matter deadline in abeyance until it acts on this motion.

Respectfully submitted,
CLEMENT RIVERS, LLP

By: s/Russell G. Hines
Stephen L. Brown (SC Bar No. 66468)
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Charleston, South Carolina

December 15, 2023

computed is to be included, unless it is a Saturday, Sunday or a state or federal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor such holiday.” Therefore, calculated in accordance with Rule 263(a), the 30th day after December 15, 2023, is Tuesday, January 16, 2024.

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PROOF OF SERVICE

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*Attorneys for Respondent
The Town of Mount Pleasant,
South Carolina*

I, Russell G. Hines, of Clement Rivers, LLP, attorneys for Respondent The Town of Mount Pleasant, South Carolina, hereby certify that the **MOTION FOR EXTENSION OF TIME TO FILE/SERVE INITIAL BRIEF OF RESPONDENT THE TOWN OF MOUNT PLEASANT, SOUTH CAROLINA** was served on all other parties to this appeal on December 15, 2023, via email (see attached) to their counsel of record:

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WIN515, LLC

Respectfully submitted,
CLEMENT RIVERS, LLP

By: s/Russell G. Hines
Russell G. Hines (SC Bar No. 72100)
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The Town of Mount Pleasant,
South Carolina

Charleston, South Carolina

December 15, 2023

Bell, Pollyana (Polly)

From: Bell, Pollyana (Polly)
Sent: Friday, December 15, 2023 12:08 PM
To: jst@bybeetibbals.com; ewilliams@bybeetibbals.com; ross@mklawsc.com; Liz Lademan
Cc: Hines, Russell; Justman, Aimee; Quisenberry, Brian
Subject: Justin O'Toole Lucey v. The Town of Mount Pleasant, South Carolina; Appellate Case No. 2023-001006 (CR 220691)
Attachments: 1st Motion for Extension - Initial Brief.pdf

Enclosed please find Respondent The Town of Mount Pleasant, South Carolina's Motion for Extension of Time to File/Serve their Initial Brief for service upon you in the above-referenced matter.

Thank you,

Pollyana Bell
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