

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas  
Mikell R. Scarborough, Master-In-Equity

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Appellate Case No. 2023-001615  
Circuit Court Case No. 2021-CP-10-05211

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**RECEIVED**

**Dec 21 2023**

**SC Court of Appeals**

CKC Properties, LLC,

Respondent,

v.

The Town of Mount Pleasant, South Carolina;  
The Town of Mount Pleasant Board of Zoning Appeals;  
Michael Robertson, in his official capacity as Zoning Administrator;  
Justin O'Toole Lucey; 415 Mill St., Inc.; and 69 Scott Street, LLC,

Respondents Below,

Of which The Town of Mount Pleasant, South Carolina;  
The Town of Mount Pleasant Board of Zoning Appeals;  
Justin O'Toole Lucey; 415 Mill St., Inc.; and 69 Scott Street, LLC are the

Appellants.

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**APPELLANTS JUSTIN O'TOOLE LUCEY, 415 MILL ST., INC., AND 69 SCOTT STREET, LLC'S FIRST MOTION FOR EXTENSION OF TIME TO FILE INITIAL BRIEF AND DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD**

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Appellants Justin O'Toole Lucey, 415 Mill St., Inc., and 69 Scott Street, LLC (collectively, "Lucey Parties"), by and through their undersigned counsel, respectfully move this Court, pursuant to Rules 240 and 263, SCACR, for entry of an order extending the time by which the Lucey Parties must file their initial brief and Designation of Matter to be Included in the Record on Appeal

(“Designation of Matter”) by thirty (30) days. The grounds for this motion are as follows:

1. On December 4, 2023, Appellants The Town of Mount Pleasant, South Carolina and The Town of Mount Pleasant Board of Zoning Appeals (collectively, “Town Parties”) advised the Court and other parties that they had received the transcript in this matter on November 22, 2023.<sup>1</sup> Accordingly, and as stated therein, the deadline for Appellants to file initial briefs and Designations of Matter, under Rules 208(a), 209(a), 263(a), SCACR, is currently December 27, 2023.

2. The Lucey Parties seek a 30-day extension of said deadline, pursuant to Rule 263(b) SCACR, to allow their counsel adequate time to prepare their initial brief and designation of matter.

3. This is the Lucey Parties’ first request for an extension of time within which to file their initial brief and Designation of Matter. This request is supported by good cause and is not made in an effort to unnecessarily delay these proceedings, but rather is a request necessitated by previously scheduled professional and family commitments.

4. Due to the Christmas and New Year holidays, and office closures during that time, necessary support staff for counsel for the Lucey Parties will be unavailable. Additionally, counsel will be out of town during parts of the coming week for family travel, and multiple professional commitments in other cases during December 2023 warrant this request for an extended deadline.

5. Accordingly, the Lucey Parties respectfully request that this Court enter an Order extending the deadline by which the Lucey Parties must file their initial brief and Designation of Matter by thirty (30) days, such that the proposed new deadline would be January 26, 2024.

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<sup>1</sup> By Order entered November 27, 2023, the separate appeals filed by the Town Parties and the Lucey Parties (collectively, “Appellants”) were consolidated.

Granting this motion would promote the interests of justice as well as preserve Court resources.

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

Respectfully submitted,

s/Evan P. Williams

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December 21, 2023