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SC Court of Appeals

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

Appeal from Charleston County
Court of Common Pleas
Jennifer B. McCoy, Circuit Court Judge
Trial Court Case No. 2022CP1000846

Appellate Case No. 2023-001082

TOWN OF SULLIVAN’S ISLAND,

Respondent,

vs.

NATHAN BLUESTEIN and
THEODORE ALBENESIUS, III,

Appellants.

**Motion to Amend the Record on Appeal
and for an Extension of Time**

Pursuant to Rule 240, SCACR, Appellants hereby move the Court for leave to file an Amended Record on Appeal to comply with Rule 210, SCACR, and to extend the time for filing final briefs under Rule 211, SCACR. In support of these motions, the Appellants would show unto the Court that the Record on Appeal was served and filed on December 27, 2023; and accordingly, the final briefs are due January 16, 2024. During the process of preparing the final briefs, it became apparent that there is a problem with the automatic page numbering (pages 180-310) in the electronic pdf of the Record on Appeal that was filed and served. Appellants move the Court for five (5) days to correct the pagination of the pdf ,and to file and serve an Amended Record on Appeal. In addition, the Appellants move the Court to extend the time for filing and serving the final briefs for 20 days from the service of the Amended Record on Appeal. Counsel for the

Respondent has been contacted regarding this matter and consents to these motions, as evidenced by the attached email.

Respectfully submitted,

HOOD LAW FIRM, LLC

172 Meeting Street
Post Office Box 1508
Charleston, SC 29401/02
Ph: (843) 577-4435
Fx: (843) 722-1630

/s/ James B. Hood

James B. Hood (70212)

james.hood@hoodlaw.com

Virginia R. Floyd (101849)

virginia.floyd@hoodlaw.com

Lisa B. Bisso (105258)

lisa.bisso@hoodlaw.com

Deborah Harrison Sheffield, *Of Counsel* (2757)

deborah.sheffield@hoodlaw.com

Attorneys for the Appellants

Nathan Bluestein and Theodore Albenesius, III

January 12, 2024

From: [Alexandra H. Austin](#)
To: [Deborah Sheffield](#)
Cc: [Julie Dunn](#)
Subject: RE: Town of Sullivan's Island v. Bluestein - 2023-001082
Date: Friday, January 12, 2024 11:50:33 AM
Attachments: [image001.jpg](#)
[image002.jpg](#)

Respondent Town of Sullivan's Island consents to the proposed motion to amend the record on appeal and to extend the deadline for all parties to file final briefs.

Thank you!

Alexandra H. Austin

Shareholder | Complex Litigation

P: (843) 579-7827

AAustin@maynardnexsen.com

205 King Street Suite 400
Charleston, South Carolina 29401



From: Deborah Sheffield <deborah.sheffield@hoodlaw.com>
Sent: Friday, January 12, 2024 11:36 AM
To: Alexandra H. Austin <aaustin@maynardnexsen.com>
Cc: Julie Dunn <julie.dunn@hoodlaw.com>
Subject: Town of Sullivan's Island v. Bluestein - 2023-001082

Alexandra - Thank you for speaking with me this morning regarding the pagination problem with our ROA. Attached is our proposed motion to amend the ROA and for an extension of time for the final briefs. Please send me a reply email with your consent so I can file it with the Clerk of the Court of Appeals. Thank you for your cooperation with this issue.

Deborah

Deborah Harrison Sheffield, Of Counsel



In Columbia at:
117 Brook Valley Rd.
Columbia, SC 29223
803-238-2267

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CERTIFICATE OF SERVICE

The undersigned certifies that on this 12th day of January, 2024, the Motion to Amend the Record on Appeal and for Extension of Time on behalf of Appellants Nathan Bluestein and Theodore Albenesius, III was served by emailing a copy of each to the address listed below:

William W. Wilkins, SC Bar No. 6112
Clarence R. Turner, IV, SC Bar No. 104766
MAYNARD NEXSEN, PC
104 South Main Street, Suite 900
P.O. Box 10648
Greenville, SC 29601
BWilkins@maynardnexsen.com
CTurner@maynardnexsen.com

**Attorneys for the Respondent Town of
Sullivan's Island**

Alexandra H. Austin, SC Bar No. 102646
MAYNARD NEXSEN, PC
205 King Street, Suite 400 (29401)
P.O. Box 486
Charleston, SC 29402
AAustin@maynardnexsen.com

**Attorneys for the Respondent Town of
Sullivan's Island**

HOOD LAW FIRM, LLC

/s/ James B. Hood

James B. Hood (70212)
Virginia R. Floyd (101849)
Lisa B. Bisso (105258)
Deborah Harrison Sheffield, *Of Counsel* (2757)
172 Meeting Street
Post Office Box 1508
Charleston, SC 29401/02
Phone: (843) 577-4435
Fax: (843) 722-1630
Email: Info@hoodlaw.com

Attorneys for the Appellants
Nathan Bluestein and Theodore Albenesius, III

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Stephanie Chickey

From: Stephanie Chickey
Sent: Friday, January 12, 2024 4:06 PM
To: Bwilkins@nexsenpruet.com; CTurner@nexsenpruet.com; AAustin@nexsenpruet.com
Cc: Jamie Hood; Deborah Sheffield; Virginia Floyd; Julie Dunn
Subject: Town of Sullivan's Island v. Nathan Bluestein and Theodore Albanesius, III
Attachments: Sullivans Island v. Bluestein, Ltr to Clerk (mtn Amd ROA).pdf; Sullivans Island v. Bluestein, Motion Amd ROA.pdf; Sullivans Island v. Bluestein, Resp Consent Motion Amd ROA.pdf

Stephanie Chickey

Legal Secretary

Stephanie.Chickey@hoodlaw.com



172 Meeting Street
P.O. Box 1508
Charleston, SC 29401

Direct: (843) 577-1247
Main: (843) 577-4435
Fax: (843) 722-1630
www.hoodlaw.com

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JAMES B. HOOD
Partner
DIRECT DIAL: (843) 577-1223
EMAIL: james.hood@hoodlaw.com

January 12, 2024

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SC Court of Appeals

Via E-Filing and U.S. Mail

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Re: Town of Sullivan's Island v. Nathan Bluestein and Theodore Albenesius, III
Appeal from Charleston County, Case No. 2022-CP-10-00846
Appellate Case No. 2023-001082
HLF File No. 805.001

Dear Ms. Kitchings:

As we advised the docket clerk, we discovered an error in the Record on Appeal filed on December 27, 2023. Enclosed is our Motion to Amend the Record on Appeal and for an Extension of Time for the Final Briefs. Respondent's counsel has consented per the attached email. I am enclosing our firm check in the amount of \$50.00 as the motion fee. Thank you for your consideration of this request.

Kind regards,

Yours truly,

/s/ James B. Hood

James B. Hood

JBH/jad

Enclosures

cc: William W. Wilkins, Esquire/Clarence R. Turner, IV, Esquire [*Via E-Mail*]
Alexandra H. Austin, Esquire [*Via E-Mail*]