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Jan 26 2024

SC Court of Appeals

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

Appeal from Charleston County
Mikell R. Scarborough, Master-in-Equity

Appellate Case No. 2023-001615*
Circuit Court Cases Nos. 2021-CP-10-05211 and -04416

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 Commercial Design Review Board;
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.

**JOINT MOTION FOR EXTENSION OF TIME
TO FILE/SERVE INITIAL BRIEF OF APPELLANTS**

Counsel identified on the next page

* Consolidated with Appellate Case No. 2023-001640

CLEMENT RIVERS, LLP

Stephen L. Brown (SC Bar No. 66468)

Stephanie Ramia Sandifer (SC Bar No. 100217)

Brian L. Quisenberry (SC Bar No. 73637)

Zachary M. Kern (SC Bar No. 103731)

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*Attorneys for Appellants The Town of
Mount Pleasant, South Carolina; The
Town of Mount Pleasant Commercial
Design Review Board; and The Town of
Mount Pleasant Board of Zoning Appeals*

NOW COME Appellants The Town of Mount Pleasant, South Carolina; The Town of Mount Pleasant Commercial Design Review Board; and The Town of Mount Pleasant Board of Zoning Appeals, by and through their undersigned counsel, joined by and with the consent of Appellants Justin O'Toole Lucey; 415 Mill St., Inc.; and 69 Scott Street, LLC, by and through their undersigned counsel, pursuant to Rule 263(b), SCACR, and hereby move for an extension of thirty (30) days' additional time to file/serve Appellants' initial brief and corresponding designation of matter to be included in the record on appeal.¹

Presently, by orders of this Court filed December 29, 2023, Appellants' initial briefing deadline is today, Friday, January 26, 2024. Because of work-related and other time commitments, Appellants request that this deadline be extended by 30 days, submitting most respectfully that such relief is consistent with the interests of justice and will not unduly prejudice any other party to this appeal.

WHEREFORE, Appellants move this Honorable Court to grant them an additional extension of 30 days' time to file/serve their 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 Appellants' initial brief and designation of matter would be Monday, February 26, 2024, according to Appellants' calculations. Additionally, Appellants respectfully request that the Court hold their

¹ Pursuant to Rule 208(b)(6), SCACR, Appellants intend to join in a

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)
Stephanie Ramia Sandifer (SC Bar No. 100217)
Brian Lee Quisenberry (SC Bar No. 73637)
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*Attorneys for Appellants The Town of
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Design Review Board; and The Town of
Mount Pleasant Board of Zoning Appeals*

Charleston, South Carolina

January 26, 2024

single brief and designation of matter.

We join and consent:

BYBEE & TIBBALS, LLC

By: s/Evan P. Williams
Jeffrey S. Tibbals, Sr. (SC Bar No. 72628)
Evan P. Williams (SC Bar No. 101981)
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Street, LLC*

Mount Pleasant, South Carolina

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Appellants.

PROOF OF SERVICE

Counsel identified on the next page

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*Attorneys for Appellants The Town of
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Design Review Board; and The Town of
Mount Pleasant Board of Zoning Appeals*

I, Russell G. Hines, of Clement Rivers, LLP, attorneys for Appellants The Town of Mount Pleasant, South Carolina; The Town of Mount Pleasant Commercial Design Review Board; and The Town of Mount Pleasant Board of Zoning Appeals, hereby certify that the **JOINT MOTION FOR EXTENSION OF TIME TO FILE/SERVE INITIAL BRIEF OF APPELLANTS** was served on all other parties to this appeal on January 26, 2024, via email (see attached) to their following counsel of record:

Ross A. Appel, Esquire
ross@mklawsc.com
MCCULLOUGH KHAN APPEL
Mount Pleasant, South Carolina
*Attorneys for Respondent
CKC Properties, LLC*

Jeffrey S. Tibbals, Esquire
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BYBEE & TIBBALS, LLC
Mount Pleasant, South Carolina
*Attorneys for Appellants Justin O'Toole
Lucey, 415 Mill St., Inc., and
69 Scott Street, LLC*

Respectfully submitted,
CLEMENT RIVERS, LLP

By: s/Russell G. Hines
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*Attorneys for Appellants The Town of
Mount Pleasant, South Carolina; The
Town of Mount Pleasant Commercial
Design Review Board; and The Town of
Mount Pleasant Board of Zoning Appeals*

Charleston, South Carolina

January 26, 2024

Bell, Pollyana (Polly)

From: Bell, Pollyana (Polly)
Sent: Friday, January 26, 2024 1:23 PM
To: ross@mklawsc.com; Liz Lademan; jst@bybeetibbals.com; ewilliams@bybeetibbals.com
Cc: Hines, Russell; Justman, Aimee; Quisenberry, Brian; Justman, Barbara
Subject: CKC v. Town of Mount Pleasant; Appellate Case No. 2023-001615 (CR 210812)
Attachments: CKC Appeal -- Joint Motion of Appellants for Extension.pdf

Enclosed please find Appellants' Joint Motion for Extension of Time to File/Serve their Initial Brief for service upon you in the above-referenced matter.

Thank you,

Pollyana Bell
Project Assistant
Commercial Litigation Practice Group
Phone:(843)720-5488 | Fax:(843)579-1369



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