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Feb 06 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

The Honorable Bentley Price, Circuit Court Judge  
Charleston County

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Appellate Case No. 2023-001575  
Trial Court Case No. 2020-CP-10-4076

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Atlantic International, Inc. d/b/a Coldwell  
Banker Commercial Atlantic, John W. True,  
and Aaron B. Rowley,

Appellants,

v.

IBYDIT, LLC, 1537 Ben Sawyer Blvd., LLC,  
Curt Nesbitt, Richard M. McColl, East Island  
Real Estate, Inc., and Ashley Haynes,  
individually and as an agent of East Islands Real  
Estate, Inc.,

Respondents,

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**RESPONDENTS IBYDIT, LLC AND CURT NESBITT'S MOTION FOR EXTENSION  
OF TIME TO FILE RESPONDENTS' FINAL BRIEF**

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COME NOW Respondents IBYDIT, LLC ("IBYDIT") and Curt Nesbitt ("Nesbitt") (collectively, "Respondents"), by and through their undersigned counsel, and hereby request an extension of time to file the Final Brief of Respondents in the above-captioned appeal. As grounds for this Motion, Respondents state as follows:

1. On Friday, February 2, 2024, Respondents filed a Motion to Supplement the Record on Appeal to include the Affidavit of Curtis B. Nesbitt in the Record on Appeal.

2. Respondents' Initial Brief cites and refers to the Affidavit of Curtis B. Nesbitt, which was identified in Respondents' Designation of Matter to be Included in the Record on Appeal filed with this Court on December 4, 2023.

3. Due to the omission of the Affidavit of Curtis B. Nesbitt from the Record on Appeal, Respondents are unable to comply with the requirements set forth in Rule 211 of the South Carolina Appellate Court Rules. *See* Rule 211(b), SCACR ("The references in the initial brief shall be revised to indicate where the material appears in the Record on Appeal.").

4. The current deadline for filing Respondents' Final Brief is Tuesday, February 6, 2024. However, Respondents' Motion to Supplement the Record on Appeal is still pending.

5. The deadline for filing Respondents' Final Brief has not been previously extended.

6. For these reasons, Respondents IBYDIT, LLC and Curt Nesbitt respectfully request an extension of time to allow Respondents to file the Final Brief of Respondents within twenty (20) days of the Court's order on the pending Motion to Supplement the Record.

Respectfully submitted,

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***Attorneys for Respondents IBYDIT, LLC and Curt Nesbitt***

February 6, 2024  
Charleston, South Carolina

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**PROOF OF SERVICE**

I certify on this date that I have served a copy of Respondents IBYDIT, LLC and Curt Nesbitt's Motion for Extension of Time to File Respondents' Final Brief on the following counsel of record via electronic mail dated February 6, 2024, to the following:

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