

THE STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

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APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas  
R. Keith Kelly, Circuit Court Judge

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

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Justin O'Toole Lucey,

Appellant,

v.

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

Respondents.

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**APPELLANT'S FIRST MOTION FOR EXTENSION OF TIME TO FILE  
INITIAL REPLY BRIEF AND DESIGNATION OF MATTER  
TO BE INCLUDED IN THE RECORD**

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Appellant Justin O'Toole Lucey ("Appellant"), by and through his undersigned counsel, respectfully moves this Court, pursuant to Rules 240 and 263, SCACR, for entry of an order extending the time by which Appellant must serve and file his initial reply brief and corresponding designation of matter to be included in the record on appeal by thirty (30) days, such that these filings would be due on March 27, 2024. The grounds for this motion are as follows:

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**Feb 16 2024**

**SC Court of Appeals**

1. Respondents served their initial brief on Appellant on February 15, 2024, meaning Appellant’s current deadline to serve and file his initial reply brief and designation of matter under Rules 208(a) and 209(a), SCACR, is Monday, February 26, 2024.<sup>1</sup>

2. Appellant seeks a 30-day extension of said deadline, pursuant to Rule 263(b), SCACR, to allow his counsel adequate time to prepare his reply brief.

3. This is Appellant’s first request for an extension of time within which to serve and file his initial reply brief and associated 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 Appellant’s counsel’s workload and previously scheduled personal and professional commitments.

4. Appellant respectfully submits that this relief would promote the interests of justice as well as preserve Court resources, and will not unduly prejudice any other party to this appeal.

5. Accordingly, Appellant respectfully requests that this Court enter an Order extending the deadline by which Appellant must serve and file his initial reply brief and designation of matter by thirty (30) days, such that the proposed new deadline would be March 27, 2024. Additionally, Appellant respectfully requests that the Court hold the current deadline for Appellant’s initial reply brief and associated designation of matter in abeyance until it acts on this motion.

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<sup>1</sup> In relevant part, 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, ... [t]he last day of the period so 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.” As February 25, 2024 is a Sunday, the 10th day after February 15, 2024, calculated in accordance with Rule 263(a), SCACR, is Monday, February 26, 2024.

6. Granting this motion would promote the interests of justice as well as preserve Court resources. 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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*COUNSEL FOR APPELLANT*

*JUSTIN O'TOOLE LUCEY*

February 16, 2024