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Feb 26 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

Appellate Case No. 2023-001147

APPEAL FROM BEAUFORT COUNTY  
Court of Common Pleas

Marvin H. Dukes III, Master in  
Equity and Special Circuit Court Judge  
Case No. 2020-CP-07- 00977

BOKF Real Estate Holding, LLC

Respondent,

v.

T &S Management, Inc. and  
Turan Strange

Appellants.

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MOTION TO FILE OUT OF TIME

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Appellants T & S Management, Inc. and Turan Strange, through undersigned counsel, respectfully move the Honorable Court for an Order permitting them to file their initial brief and designation of matter on appeal after the deadline established by the court. The basis for this motion is that counsel did not correctly calendar dates for the submission of the initial brief due to internal error and procedures for incoming mail and email, while a staff member was out for medical reasons. As a result the matter was not scheduled timely. Additionally, since approximately February 9 counsel has been required to travel back and forth to south Florida approximately each three to four days to attend to a family medical emergency for which counsel is the required to be in person for most decisions and arrangements. Thus in addition to the within request that the Court accept the Initial Brief and Designation of Matter on Appeal filed untimely, counsel is requesting

additional time to locate and order transcripts relating to the underlying summary judgment proceeding if permitted. The hearings in this matter were conducted by Web Ex, as previously noted, and no transcript was requested by the undersigned. Previous filings on this issue related to the transcript for the hearing on the Rule 59 motion, which was conducted by telephone and for which no transcript is known to exist.

WHEREFORE, Appellants request that the Court permit Appellants to file their Initial Brief and Designation of Matter to be Included on Record of Appeal out of time and additional time to order a transcript prepared of web ex proceedings, if necessary for adjudication.

February 26, 2024

Respectfully Submitted,

Mogil Law Firm

/s/ Michael W. Mogil

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