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Apr 17 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Honorable H. W. Funderburk, Jr., Administrative Law Judge

Case No. 17-ALJ-17-0060-CC
Appellate Case No. 2023-000973
Opinion No. 5972 (S.C. Ct. App. Filed March 1, 2023)

McEntire Produce, Inc. Petitioner,
v.
South Carolina Department of Revenue Respondent.

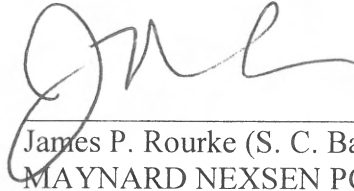
MOTION FOR EXTENSION OF TIME TO FILE BRIEF

TO: PATRICIA A. HOWARD, CLERK OF COURT

Pursuant to Rules 240, 242(i), and 263(b), SCACR, the Petitioner, McEntire Produce, Inc., requests a thirty (30) day extension of time to file its Brief pursuant to Rule 242(i), SCACR. This Court granted certiorari on March 27, 2024; accordingly, Petitioner’s Brief must be filed by Friday, April 26, 2024. The Petitioner respectfully requests that the Court extend the deadline to file its Brief from April 26, 2024 until May 28, 2024. Petitioner has not previously requested an extension pursuant to Rule 242, SCACR, before this Court in this case.

The undersigned counsel certifies this extension is not requested for purposes of delay but is necessary to adequately research and prepare the Brief required under Rule 242(i), SCACR. Petitioner has consulted with Counsel for Respondent, who has graciously consented to this extension request.

Respectfully submitted,



James P. Rourke (S. C. Bar No. 79879)

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Attorneys for Petitioner McEntire Produce, Inc.

April 17, 2024
Columbia, South Carolina

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Harold W. Funderburk, Jr., Administrative Law Judge
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McEntire Produce, Inc.....Petitioner,

v.

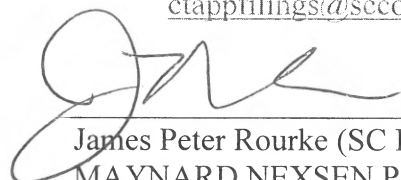
South Carolina Department of Revenue..... Respondent.

PROOF OF SERVICE

I certify I have served Petitioner’s Motion for Extension of Time on counsel of record for the South Carolina Department of Revenue and to the Clerk of the Court of Appeals via electronic and U.S. Mail on April 17, 2024, addressed to:

Elisabeth W. Shields, Esq.
Jason P. Luther, Esq.
South Carolina Department of Revenue
300A Outlet Pointe Blvd
Columbia, SC 29210
Elisabeth.Shields@dor.sc.gov
Jason.Luther@dor.sc.gov

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
1015 Sumter Street
Columbia, SC 29201
ctappfilings@sccourts.org



James Peter Rourke (SC Bar No. 79879)
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Attorney for Petitioner McEntire Produce, Inc.



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SC Court of Appeals

James P. Rourke
Shareholder

April 17, 2024

HAND DELIVERED

Patricia A. Howard
Clerk of Court
Supreme Court of South Carolina
Supreme Court Building
1231 Gervais Street
Columbia, South Carolina 29201

Re: McEntire Produce, Inc. v. South Carolina Department of Revenue
Case No. 17-ALJ-17-0060-CC
Appellate Case No. 2023-000973
Opinion No. 5972

Dear Ms. Howard:

Please find enclosed for filing the original and seven (7) copies of a Motion for Extension of Time to File Brief in the above-referenced matter. Please file the original Motion for Extension of Time to File Brief and return a file-stamped copy to our courier. Please contact me if you would like an electronic copy. By copy of this letter, we are serving Petitioner's counsel with a copy of the Motion for Extension of Time to File Brief. Our firm's check for \$50.00 in payment of the filing fee is also enclosed.

Please contact me if you have any questions or if I can be of assistance.

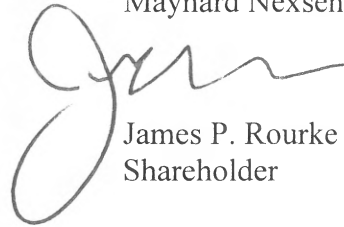
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Attorneys and Counselors at Law

Patricia A. Howard
April 17, 2024
Page 2

Sincerely,

Maynard Nexsen, PC

A handwritten signature in black ink, appearing to read "James P. Rourke". The signature is fluid and cursive, with a large initial "J" and "R".

James P. Rourke
Shareholder

JPR/HW
Enclosures

cc: The Honorable Jenny Abbott Kitchings
Elisabeth W. Shields, Esq.
Jason P. Luther, Esq.