

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

69436

APPEAL FROM KERSHAW COUNTY  
Court of Common Pleas

George C. James, Jr., Circuit Judge

Appellate Case No. 2012-213309  
Common Pleas Case No. 2010-CP-28-1197

U.S. Bank National Association Successor trustee to LaSalle Bank National Association, as trustee under the Pooling and Servicing Agreement, dated as of April 1, 2002, among Asset Backed Funding Corporation, Litton Loan Servicing LP and LaSalle Bank National Association, ABFC Asset Backed Certificates, Series 2002-SB-1,.....Respondent,

v.

Kelley Burr; FIA Card Services, N.A.; Discovery Bank, Issuer of the Discover Card; Unifund CCR Partners; Defendants,

Of Whom Kelley Burr is.....Appellant.

MOTION FOR EXTENSION OF TIME TO SERVE AND FILE  
APPELLANT'S INITIAL REPLY BRIEF AND  
ANY REPLY DESIGNATION OF MATTER  
TO BE INCLUDED IN RECORD ON APPEAL

Andrew S. Radeker  
Harrison & Radeker, P.A.  
Post Office Box 50143  
Columbia, South Carolina 29250  
(803) 779-2211  
Attorney for Appellant

RECEIVED

AUG 15 2013

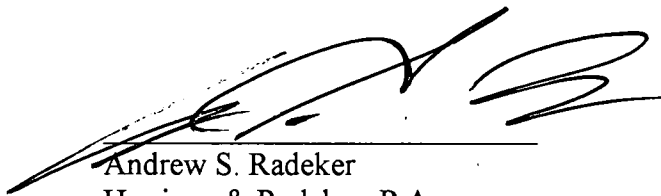
SC Court of Appeals

Appellant hereby moves pursuant to Rule 263(b), SCACR, for a 10-day extension of the time in which to serve and file Appellant's Initial Reply Brief and Reply Designation of Matter to be Included in the Record on Appeal in this case. The grounds for this motion are that there is good cause to grant the requested extension, as the following shows:

1. The current deadline for the service and filing of Appellant's Initial Reply Brief and Reply Designation of Matter to be Included in the Record on Appeal in this case is August 19, 2013.
2. Appellant's counsel has a reply to a return to a petition for a writ of certiorari also due on August 19, 2013, and he is a speaker at a continuing legal education seminar August 16, 2013. With this plus the duties of his law practice and a planned family event this weekend, the undersigned doubts he would have time to finish the initial reply brief in this case by the current deadline.
3. Opposing counsel consents to the requested extension, as is shown by the attached email message.
4. Appellant's counsel does not anticipate seeking another extension of this deadline absent extraordinary circumstances.
5. Appellant's counsel believes there is good cause to grant the requested 10-day extension to August 29, 2013.

WHEREFORE Appellant prays for an Order extending the time in which to serve and file Appellant's Reply Initial Brief and Reply Designation of Matter to be Included in the Record on Appeal for an additional 10 days.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'A. S. Radeker', is written over a horizontal line.

Andrew S. Radeker  
Harrison & Radeker, P.A.  
Post Office Box 50143  
Columbia, South Carolina 29250  
(803) 779-2211  
Attorney for Appellant

August 15, 2013

## Drew Radeker

---

**From:** Sean O'Connor <soconnor@FinkelLaw.com>  
**Sent:** Thursday, August 15, 2013 2:22 PM  
**To:** Drew Radeker  
**Cc:** sapowers@bakerdonelson.com  
**Subject:** RE: US Bank v. Burr

Drew: Yes, we consent to the extension as stated.

Sean

---

**From:** Drew Radeker [<mailto:Drew@harrisonfirm.com>]  
**Sent:** Thursday, August 15, 2013 10:13 AM  
**To:** Sean O'Connor  
**Subject:** US Bank v. Burr

Sean:

I have a reply to a return to a petition for certiorari due in another case on the same day as our reply brief is due in this case (Monday, August 19). Would you consent to a 10-day extension of our time to serve the reply brief (and any designation with it)? That extension would make the reply brief due on 8/29.

Thank you.

Drew Radeker

### **HARRISON & RADEKER, P.A.**

ATTORNEYS AT LAW

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APPEAL FROM KERSHAW COUNTY  
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Appellate Case No. 2012-213309  
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U.S. Bank National Association Successor trustee to LaSalle Bank National Association, as trustee under the Pooling and Servicing Agreement, dated as of April 1, 2002, among Asset Backed Funding Corporation, Litton Loan Servicing LP and LaSalle Bank National Association, ABFC Asset Backed Certificates, Series 2002-SB-1,.....Respondent,

v.

Kelley Burr; FIA Card Services, N.A.; Discovery Bank, Issuer of the Discover Card; Unifund CCR Partners; Defendants,

Of Whom Kelley Burr is.....Appellant.

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PROOF OF SERVICE

I certify that I served the foregoing motion for extension of time on counsel for the Respondent by depositing a copy of it on the date shown below in the United States Mail, postage prepaid, addressed as follows:

Carmen H. Thomas, Esq.  
Nelson Mullins Riley & Scarborough, LLP  
P.O. Box 11070  
Columbia, SC 29211-1070

Sean A. O'Connor, Esq.  
Finkel Law Firm, LLC  
P.O. Box 225  
North Charleston, SC 29402

S. Anna Powers, Esq.  
Baker, Donelson, Bearman, Caldwell & Berkowitz, PC  
4268 I-55 North Meadowbrook Office Park  
Jackson, MS 39211

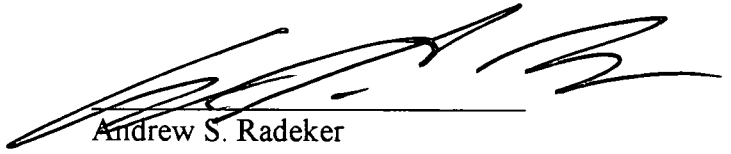
August 15, 2013

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**SC Court of Appeals**

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Andrew S. Radeker', is written over a horizontal line.

Andrew S. Radeker  
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Post Office Box 50143  
Columbia, South Carolina 29250  
(803) 779-2211  
Attorney for Appellant

LAW OFFICES  
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923 CALHOUN STREET  
COLUMBIA, SOUTH CAROLINA 29201

James C. Harrison, Jr.\*  
Andrew S. Radeker  
F. Casey D. Cornwell  
\* Mediator/Arbitrator

P.O. Box 50143  
Columbia, SC 29250  
(803) 779-2211  
(803) 779-6700 (FAX)

August 15, 2013

**VIA HAND DELIVERY**

The Hon. Jenny Abbott Kitchings  
Clerk of Court, Court of Appeals of South Carolina  
Edgar Brown Building  
1205 Pendleton Street  
Columbia, South Carolina 29201

**RE: U.S. Bank, etc. v. Kelley Burr, et al.**  
**Common Pleas Case No.: 2010-CP-28-1197**  
**Appellate Case No. 2012-213309**

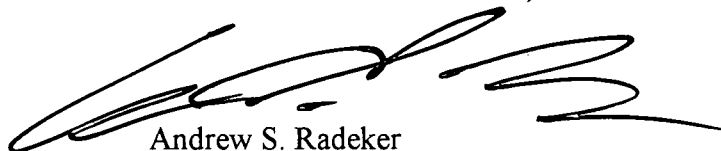
Dear Ms. Kitchings:

Enclosed herewith for filing in the above-referenced case are an original and seven copies of a motion for extension of time, with attached proof of service thereof. Also enclosed is this firm's check in the amount of \$25.00 as the motion fee.

Kindly file these documents and return a file-stamped copy thereof to the bearer of this letter. Of course, if you or your staff have any questions or concerns, please do not hesitate to contact me.

With kind regards, I am,

Very truly yours,  
**HARRISON & RADEKER, P.A.**



Andrew S. Radeker

ASR/

Enclosures

cc: Carmen H. Thomas, Esq.  
Sean A. O'Connor, Esq.  
S. Anna Powers, Esq.

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AUG 15 2013  
**SC Court of Appeals**