

Reply To: Columbia
Jonathan M. Robinson

May 30, 2024

Via Email Only

The Honorable Patricia A. Howard
Clerk of Court
Supreme Court of South Carolina
P.O. Box 11330
Columbia, SC 29211

RECEIVED
May 30 2024
SC Court of Appeals

Re: *Michael David Link, et al. v. 4520 Corp., Inc., et al. and Heather Donaghy, et al. v. 4520 Corp., Inc., et al.*
Appellate Case Nos. 2024-000342, 2024-000348

Dear Ms. Howard:

I represent Respondent Peter D. Protopapas, in his capacity as the court-appointed Receiver for the Insurance Assets of Atlas Turner, Inc. and Asbestos Corporation Limited in the above-referenced appeals. The Receiver is in receipt of Appellant Atlas Turner, Inc.'s ("Appellant") motion for a 10-day extension of time to file its Petition for Writ of Certiorari. While the Receiver is aware the Court routinely grants extension requests in appellate matters, the Receiver respectfully objects to this request for an extension as an attempt to further delay the case.

As the Supreme Court has recognized, there should be little need for an extension of time in the context of a request for certiorari under Rule 242 because "the preparation of the petition . . . will involve no more than taking the arguments already made in the briefs before the Court of Appeals, putting in the additional case history information, and updating and checking the citations." Order 2014-07-16-01. Because the Court of Appeals dismissed these appeals as not immediately appealable, the issue to be briefed in a petition for writ of certiorari is narrow and needs no update. The issue of appealability was extensively briefed at the Court of Appeals, including in memoranda on appealability and, more recently, Appellant's petition for rehearing following the dismissal of the appeal. Thus, it is not the case where Appellant must update and refine its brief that was pending at the Court of Appeals for some time.

Further, Appellant does not cite any extraordinary reason to grant the extension. Appellant's reasons, "time commitments, both work- and non-work-related," are not sufficient reasons under this Court's July 16, 2014 Order to grant an extension. In the July 2014 Order, this Court states: "The parties are warned that the press of other business is not an extraordinary circumstance which will warrant the granting of an extension."

Further, our appellate courts have seen an increase in similar interlocutory appeals in recent months despite the Supreme Court's the Supreme Court's disposition of the appealability of orders alleged by various appellants to have "granted, continued, or modified" receiverships. *See* March 27, 2024 Order, *Lenora Childers v. Davis Mechanical Contractors, Inc., et al.*, Appellate Case No. 2023-000727. The Receiver notes activity in our appellate courts has drastically increased due to interlocutory appeals filed in various receivership cases, including at least 16 appeals filed between December and March of this year. The Court of Appeals has issued ten orders dismissing improper interlocutory appeals in reliance on the Supreme Court's order in *Childers* and/or other South Carolina Authority. *See* Appellate Case Nos. 2024-000524, 2023-002009, 2023-002010, 2023-002011, 2023-002006, 2023-002007, 2023-002008, 2024-000341, 2024-000337, 2024-000342. In light of what has been an unprecedented number of interlocutory receivership appeals, all of which are being used to delay and prevent these actions from moving forward, the Receiver respectfully objects to the extension request and requests the Court deny it.

Please let me know if anything further is needed.

Sincerely,

Jonathan M. Robinson

JMR/dlf

cc: All counsel of record