

In The Court of Appeals

APPEAL FROM FLORENCE COUNTY
Court of Common Pleas

Honorable George M. McFaddin, Circuit Court Judge

Case No. 2023-001705

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JUN 03 2024
SC Court of Appeals

Ride Away Motors, LLC, Christopher Woodbury,
Trey Cooper Individually and/or d/b/a
Ride Away Motors, LLC,..... Appellants

v.

Suzanne Silverman Respondent.

RESPONDENT'S OPPOSITION TO APPELLANTS' MOTION FOR EXTENSION

Appellants have requested a fourth extension to file their initial brief and designation of record in the matter above. Respondent has not, thus far, opposed such motions. Respondent, however, does oppose this Motion for an extension to file.

BACKGROUND:

Respondent brought this case based on legal theories including breach of contract and associated torts. The Summons and Complaint was filed electronically with the Court on April 4, 2023.¹ (Complaint) Appellants/Defendants were served by the Sheriff as follows: Christopher (Chris) Woodbury on 05/15/2023; Trey Cooper on 06/08/2023 and Trey Cooper as service agent

¹J. Charles Ormond, Jr. is the local attorney and Noah Rosner, Esq. was admitted, Pro hac vice, on August 4, 2023.

for the Ride Away Motors, LLC. (“LLC”) on 06/08/2023. (See: Sheriff affidavits) Trey Cooper never answered or provided any motion to the Court. Appellant/Defendant Woodbury, and possibly on behalf of the LLC also, filed a Motion to Transfer Venue on 06/23/2023 with two exhibits attached to the Motion. Neither of Respondent/Plaintiff’s counsel were served with or received a copy of such Motion. Respondent/Plaintiff’s counsel filed a Motion for Default Judgment on liability on 09/01/2023.

The Motion for Change of Venue was scheduled to be heard on 09/18/2023 and Defendant Woodbury did not appear for the hearing. Such Motion was dismissed in a Rule 4 Order by Judge McFaddin and filed with the Court on 09/22/2023. Such Order was mailed to all Defendants. Neither Appellant/Defendant Woodbury or the LLC motioned the Circuit Court for relief from this Order and such Order does not appear to be a part of this appeal.² The Motion for Default Judgment was mailed by Respondent/Plaintiff’s attorneys on 09/12/23 and no responsive motion or reply was forthcoming. The Order and entry of Default as to Liability was filed on 10/03/2023 along with the Judgment of Default. Defendant Woodbury appealed this Order and Judgment on 10/31/2023.

After jurisdiction transferred to the Court of Appeals, extensions and notices of deficiencies were noted and service to Respondents were spotty. A motion to order the transcript outside of the time limits was filed and approved. More than one request to file the initial brief and designation of matter in an extended time period were filed. On April 25, 2024, the Court granted an extension until May 22, 2024 and Respondent was sent the Order by e-mail. Such

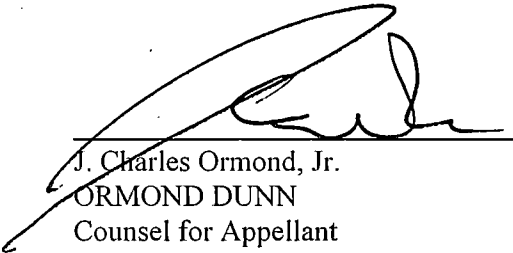
²Both Woodbury and Cooper reside in Florence County and the service agent for the LLC, Mr. Cooper, undisputedly resides in Florence County and were served in Florence County by the Florence County Sheriff’s Department.

Order states as follows: “no further extensions will be granted absent extraordinary circumstances.”

ARGUMENT:

The Appellant’s stated reasons for the extension are 1) the fact that the Appellants are not attorneys; 2) the Appellants are full time business owners and must perform their job duties; 3) May is tax season and, as such, the businesses are busier than usual and; 4) Appellant was sick with pneumonia. None of the reasons set forth would be extraordinary in light of the prior motions for extension.

Therefore, Respondent respectfully requests that the Court deny the Appellants’ motion to extend its time to file its initial brief and designation of record and remand the matter to the Circuit Court.



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May 29, 2024

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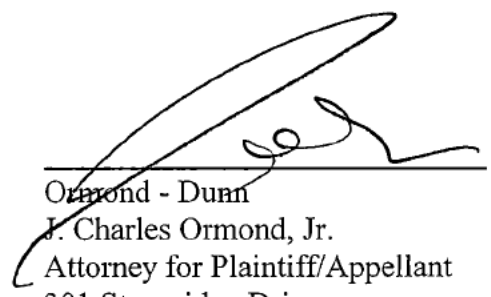
Suzanne Silverman

Respondents.

PROOF OF SERVICE

I certify that I have served a copy of the **Respondent's Opposition to Appellants' Motion for Extension of Time to File their Initial Brief and Designated Record on Appeal**, at his/their address of record: Christopher Woodley, Trey Cooper address: 407 West Smith Street, Timmonsville, SC 29161, directly by depositing same in the United States Mail, postage prepaid, on the Date set forth below: .

May 29, 2024



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*J. Charles Ormond, Jr. (Clerk)
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* Mediator / Prof. Geologist

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SC Court of Appeals

May 28, 2024

Via U. S. Mail

The Honorable Jenny Abbott Kitchings
Catherine Harrison, Deputy Clerk
Clerk of the South Carolina Court of Appeals
1015 Sumpter Street
P. O. Box 11692
Columbia, South Carolina 29211

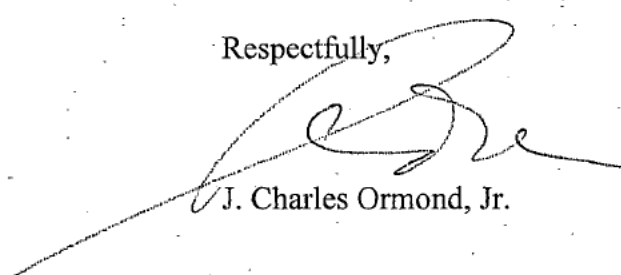
**Re: Suzanne Silverman v. Ride Away Motors. Appeal #2023-001705.
Respondent's Opposition to Appellants' Motion for Extension**

Dear Ms. Kitchings:

Please find the Respondents enclosed Opposition to Appellants' Motion for an extension of time to file their Initial Brief and Designation of Matter to be included in the Record with proof of service.

Please write or call with any further requirements.

Respectfully,



J. Charles Ormond, Jr.

Enclosures / above
cc: Christopher Woodbury / via us mail.

Ormond | dunn
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301 Stoneridge Drive
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