

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

The Honorable George M. McFaddin, Jr., Circuit Court Judge
Trial Court Case No. 2023-CP-10-01512
Appellate Case No. 2024-000723

Charleston SC Property Holdings, LLC, Hanahan SC Property Holdings, LLC, and Michael
Flanagan, Receiver.....Respondents,

v.

Rittenberg OP, LLC, Hanahan OP, LLC, Goldner Capital Management, LLC, SC Two
OP Holdings, LLC, and Samuel Goldner.....Appellants.

FIRST MOTION FOR EXTENSION OF TIME

Respondents hereby move the Court for an extension of thirty (30) days from the existing
deadline of June 28, 2024, to respond to the Initial Brief of Appellants. The current deadline has
not previously been extended. If granted, this request for an extension would make the new
deadline July 29, 2024. The grounds for this Motion are two-fold.

Rule 207 requires that an appellant, within ten (10) days of service of its notice of appeal,
“make satisfactory arrangements (including agreement regarding payment for the transcript), in
writing with the court reporter for furnishing the transcript.” Rule 207(a)(1), SCACR.
Furthermore, Rule 207 also requires that an appellant “shall contemporaneously furnish all parties,
the Office of Court Administration, and the clerk of the appellate court with copies of all
correspondence with the court reporter.” Id. On May 31, 2024, the Court sent a letter to Appellants’
counsel noting that the transcript has not been ordered in accordance with Rule 207 and required
that “[w]ithin ten (10) days from the date of this letter, [Appellants] must file a copy of the letter
showing that [Appellants] have timely ordered the transcript from the court reporter.” Letter from

Hon. Catherine Harrison, Chief Deputy Clerk, South Carolina Court of Appeals (May 31, 2024) at page 1. Further, the Court requested that Appellants “advise the Court of the status of the transcript within ten (10) days of the date of this letter, or your appeal will be dismissed.” As of the date of this filing, however, Appellants have not filed anything with the Court regarding the status of the transcript in this appeal. Further, and as it relates to this appeal, the Respondents are not aware of any correspondence from Appellants’ counsel or from the court reporter regarding the status of said transcript. Appellant has not provided Respondents with a copy of the transcript.

Additionally, on June 3, 2024, Thomas P. Gressette, Jr. of the law firm Walker, Gressette & Linton, LLC entered an appearance as additional counsel of the record for the Respondents. In that same filing, Charles P. Summerall, IV, who had been serving as the lead attorney in this matter, also moved the Court for an order allowing Mr. Summerall to withdraw as counsel of record for the Respondents in this matter on the basis that Mr. Summerall has retired.

Given Mr. Summerall’s retirement, the addition of new counsel for Respondents, the unknown status of the transcript and Respondents’ inability to review the same, Respondents hereby seek this extension of time to file their response to the Initial Brief of Appellants on or before a new deadline of July 29, 2024.

Respectfully submitted,

/s/ Thomas P. Gressette, Jr.

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ATTORNEYS FOR RESPONDENTS

June 18, 2024

Charleston, South Carolina

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PROOF OF SERVICE

I certify that I served Respondents’ First Motion for Extension of Time to counsel of record for the above-referenced parties using the following email addresses on June 18, 2024:

Christopher Todd Brumback, Esq.
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s/Thomas P. Gressette, Jr.



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June 18, 2024

VIA EMAIL AND FEDERAL EXPRESS (Tracking No. 818210580321)

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201
ctappfilings@sccourts.org

RECEIVED

Jun 18 2024

SC Court of Appeals

Re: *Charleston SC Property Holdings, LLC v. Rittenberg OP, LLC (2)*
Appellate Case No. 2024-000723

Dear Ms. Kitchings:

Enclosed please find Respondents' First Motion for Extension of Time along with the \$50.00 filing fee.

As indicated in the Motion, I was recently added as counsel in this matter. Additionally, this appeal is subject to immediate dismissal for Appellants' failure to comply with Rule 207, SCACR, and Appellants' failure to comply with this Court's directive issued May 31, 2024.

Please let me know if you require anything further.

With kind regards, I am

Sincerely yours,

Thomas P. Gressette, Jr.

Enclosures (as stated)

cc: Michael Henry Weaver, Esq. (via e-mail) (michael.weaver@rogerstownsend.com)
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