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Jul 31 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM DORCHESTER COUNTY
In the Court of Common Pleas for the First Judicial Circuit

The Honorable James E. Chellis, Master in Equity

Case No. 2019-CP-18-02217

Virgie C. Simmons Family, LLC.....Appellant

vs.

Limetrade, LLC and Limehouse Produce, LLC Respondents

**APPELLANT'S CONSENT MOTION FOR EXTENSION OF TIME TO FILE
AND SERVE INITIAL BRIEF OF APPELLANT AND DESIGNATION OF
MATTER FOR INCLUSION IN THE RECORD ON APPEAL**

K. Michael Barfield (S.C. Bar No. 69400)
John W. Fletcher (S.C. Bar No. 69550)
BARNWELL WHALEY PATTERSON &
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P.O. Drawer H
211 King Street, Suite 300 (29401)
Charleston, SC 29402
Phone: (843) 577-7700
*Attorneys for Appellant Virgie C. Simmons
Family, LLC*

AND NOW COMES Appellant Virgie C. Simmons Family, LLC ("Appellant"), by and through its undersigned counsel, pursuant to Rule 263(b), SCACR, and moves for an extension of thirty (30) days additional time to file and serve its Initial Brief of Appellant and Designation of Matter for Inclusion in the Record on Appeal:

1. On July 8, 2024, the Court entered an Order denying Respondents' motion to dismiss this appeal as to Limehouse Produce, LLC.

2. By letter dated July 9, 2024, the Court advised the parties that the "initial brief of appellant and designation of matter are due to be served and filed within thirty (30) days of the date of this letter."

3. Pursuant to that letter, the Initial Brief of Appellant and Designation of Matter for Inclusion in the Record on Appeal are currently due by August 8, 2024.

4. Due to the complexity and volume of issues in this appeal and the schedule of Appellant's counsel, Appellant respectfully requests an extension of 30 days from August 8, 2024 to file and serve its Initial Brief of Appellant and Designation of Matter for Inclusion in the Record on Appeal.

5. Specifically, Appellant respectfully requests that the Court extend this deadline by 30 days, until Monday September 9, 2024 (September 7 falls on a Saturday).

6. Appellant believes that this relief is consistent with the interests of justice and will not work any undue prejudice upon any party.

7. Counsel for Respondents has graciously consented to the relief requested herein.

WHEREFORE, for the foregoing reasons, Appellant Virgie C. Simmons Family, LLC moves this Honorable Court to grant it an extension of 30 days to file and serve its Initial Brief of Appellant and Designation of Matter for Inclusion in the Record on Appeal related thereto. With the requested extension of time, the new deadline for filing and serving the Initial Brief of Appellant and Designation of Matter for Inclusion in the Record on Appeal will be September 9, 2024. Additionally, Appellant respectfully requests that the Court hold its present deadline for the

service and filing of its Initial Brief of Appellant and Designation of Matter for Inclusion in the Record on Appeal in abeyance until it acts upon this Motion.

BARNWELL WHALEY PATTERSON &
HELMS, LLC

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**PROOF OF SERVICE OF APPELLANT'S CONSENT MOTION FOR
EXTENSION OF TIME TO FILE AND SERVE INITIAL BRIEF OF
APPELLANT AND DESIGNATION OF MATTER FOR INCLUSION IN THE
RECORD ON APPEAL**

I certify that I have served the Appellant's Consent Motion for Extension of Time to File and Serve Initial Brief of Appellant and Designation of Matter for Inclusion in the Record on Appeal on the above-referenced Respondents by email in accordance with the South Carolina Supreme Court's Order re: Methods of Electronic Filing and Service Under Rule 262 of the South Carolina Appellate Court Rules (As Amended May 6, 2022) on July 31, 2024, addressed to their attorneys of record:

G. Hamlin O'Kelley, III
Buist, Byars & Taylor, LLC
652 Coleman Blvd., Suite 200
Mt. Pleasant, SC 29464
Attorneys for Respondents

BARNWELL WHALEY PATTERSON &
HELMS, LLC

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