

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 SECOND 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)
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*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. By Order dated August 1, 2024, the Court ruled that "time for serving and filing the initial brief of appellant and designation of matter is hereby extended until September 9, 2024."

2. Due to the complexity and volume of issues in this appeal and the intervening schedule of Appellant's counsel, Appellant respectfully requests an additional extension of 30 days from September 9, 2024 to file and serve its Initial Brief of Appellant and Designation of Matter for Inclusion in the Record on Appeal.

3. Specifically, Appellant respectfully requests that the Court extend this deadline by 30 days, until Wednesday October 9, 2024.

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

5. Appellant does not anticipate needing a further extension of time to file and serve its Initial Brief of Appellant and Designation of Matter for Inclusion in the Record on Appeal.

6. 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 October 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

By: 

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August 27, 2024

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**PROOF OF SERVICE OF APPELLANT'S SECOND 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 Second 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 August 27, 2024, addressed to their attorneys of record:

G. Hamlin O'Kelley, III
Buist, Byars & Taylor, LLC
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Mt. Pleasant, SC 29464

Attorneys for Respondents

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