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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM THE COURT OF COMMON PLEAS
COUNTY OF AIKEN
SECOND JUDICIAL CIRCUIT

The Honorable Courtney Clyburn Pope, Circuit Court Judge

Case No. 2021-CP-02-1306
Appellate Case No. 2022-000546

Regions Bank, an Alabama banking corporation.....Respondent,

v.

CDIC Development Company, LLC, a South Carolina limited liability company.....Appellant.

**APPELLANT’S CONSENT MOTION FOR EXTENSION OF TIME
FOR APPELLANT TO SERVE AND FILE PETITION FOR WRIT OF CERTIORARI**

Pursuant to Rules 240 and 263, SCACR, Appellant CDIC Development Company, LLC, a South Carolina limited liability company (“CDIC”) hereby respectfully moves for an extension of time in which to serve and file CDIC’s Petition for Writ of Certiorari (the “Petition”). Herein, CDIC respectfully requests an extension of twenty (20) days to serve and file the Petition which is currently due September 12, 2024. If granted as requested, the Petition would then be due to be served and filed by October 2, 2024. This is the first request for an extension filed by CDIC relating to filings before the Supreme Court of South Carolina for this appeal.

Under Rule 242(c), SCACR, a “petition for writ of certiorari shall be served on opposing counsel and filed with proof of service with the Clerk of the Court of Appeals and the Clerk of the Supreme Court within thirty (30) days after the petition for rehearing or reinstatement is finally decided by the Court of Appeals.” Here, in its Order filed on August 13, 2024, the Court of Appeals denied CDIC’s Petition for Rehearing. Accordingly, CDIC’s Petition for Writ of Certiorari is presently due to be served and filed by September 12, 2024.

However, Rules 240 and 263, SCACR, provide a useful mechanism for litigants wanting to request an extension of time imposed by the South Carolina Appellate Court Rules. Rule 240(a), SCACR “governs all motions . . . filed in the appellate court, including but not limited to: motions for extensions of time . . .” Additionally, the “time prescribed by these Rules for performing any act except the time for serving the notice of appeal under Rules 203 and 243 may be extended or shortened by the appellate court, or by any judge or justice thereof. The time prescribed by these Rules for performing any act or taking any action may not be extended by agreement of the parties.” Rule 263(b), SCACR.

Currently, good cause supports this Motion. Specifically, the parties to this action are earnestly discussing the terms of a potential settlement. Importantly, the likelihood the parties reach a settlement is seemingly favorable; however, additional time is needed to further, and possibly finalize, those settlement discussions. Consequently, the undersigned counsel believes that extending the timeline for serving and filing the Petition could save significant time and costs without causing undue delay or prejudice to this Court or the counterparty, Regions Bank. Moreover, Regions Bank graciously

consented to this Motion.

In sum, CDIC respectfully requests a twenty (20) day extension of the deadline to serve and file its Petition, pushing the deadline from September 12, 2024, to October 2, 2024.

Respectfully submitted,

FORD WALLACE THOMSON LLC

s/ Ian S. Ford

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*Attorneys for Appellant CDIC Development
Company, LLC*

September 6, 2024
Charleston, South Carolina

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THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM THE COURT OF COMMON PLEAS
COUNTY OF AIKEN
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Case No. 2021-CP-02-1306
Appellate Case No. 2022-000546

Regions Bank, an Alabama banking corporation.....Respondent,

v.

CDIC Development Company, LLC, a South Carolina limited liability
company.....Appellant.

**APPELLANT’S PROOF OF SERVICE OF CONSENT MOTION FOR EXTENSION
OF TIME FOR APPELLANT TO SERVE AND FILE PETITION FOR WRIT OF
CERTIORARI**

I certify that on September 6, 2024, I have served Appellant’s Consent Motion for Extension of Time for Appellation to Serve and File Petition for Writ of Certiorari on Respondent by sending the same to their attorneys of record, Sarah P. Spruill and Jonathan David Klett, at their email addresses of record with the AIS.

s/ Ian S. Ford
Attorney for Appellant

Friday, September 6, 2024 at 12:14:12 Eastern Daylight Time

Subject: Regions Bank v. CDIC Development Company, LLC - 2022-000546
Date: Friday, September 6, 2024 at 11:55:01 AM Eastern Daylight Time
From: Robert Byrd
To: sspruill@hsblawfirm.com, jklett@hsblawfirm.com
CC: Ian Ford, Ainsley Tillman, gjensen@ralaw.com, yhibbert@ralaw.com
Attachments: Final Consent Motion for Extension of Time to File Petition for Writ of Cert - CDIC.pdf

Good morning, everyone,

We will be filing the attached *Appellant's Consent Motion for Extension of Time for Appellant to Serve and File Petition for Writ of Certiorari* on behalf of Appellant CDIC Development Company, LLC.

When we send the attached to the Court, we will also copy you on that email.

Best,

Robert E. Byrd
Associate Attorney
Ford Wallace Thomson LLC
[715 King Street](#)
[Charleston, S.C. 29403](#)
(843) 628-5947

FORD WALLACE THOMSON LLC

ATTORNEYS AT LAW

6 September 2024

The Honorable Patricia A. Howard
Clerk of Court
Supreme Court of South Carolina
P.O. Box 11330
Columbia, South Carolina 29211
supctfilings@sccourts.org

Re: *Regions Bank v. CDIC Development Company, LLC*
Court of Appeals Case No. 2022-000546
Circuit Court Case No. 2021-CP-02-1306

Dear Ms. Howard:

Enclosed for filing, please find Appellant CDIC Development Company, LLC's *Consent Motion for Extension of Time for Appellant to Serve and File Petition for Writ of Certiorari* in this case, together with *Proof of Service* and our service email to counsel.

By copy of this letter, we are providing a copy of the Motion to all counsel of record.

A hard copy of this letter will follow promptly by U.S. Mail, together with our check for the \$50.00 filing fee.

Thank you for your assistance with this matter. Please do not hesitate to let me know if there is anything further that you require from me.

With kind regards, I am,

Very truly yours,

FORD WALLACE THOMSON LLC



Ian S. Ford

Enc: as stated
cc: all counsel of record, by email only