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Sep 30 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Anderson County  
Court of Common Pleas

R. Lawton McIntosh, Circuit Court Judge

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Case No. 2021-CP-04-01349  
Appellate Case No. 2024-001404

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Poly-Med, Inc., Technology Drive 51, LLC,  
Technology Drive 52, LLC, PMI Properties, LLC,

Respondents/Appellants,

v.

Research Park, LLC,

Appellant/Respondent.

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**RESPONDENTS/APELLANTS' CONSENT MOTION FOR EXTENSION OF TIME  
TO FILE/SERVE INITIAL APPELLANTS' BRIEF**

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NOW COME Respondents/Appellants, Poly-Med, Inc., Technology Drive 51, LLC, Technology Drive 52, LLC, PMI Properties, LLC (collectively, “Plaintiffs”), by and through their undersigned counsel, pursuant to Rule 263(b), SCACR, and—to the extent that their initial appellants’ brief is indeed now due—hereby move for an extension of thirty (30) days’ additional time to file/serve their initial appellants’ brief and corresponding designation of matter to be included in the record on appeal.

Appellant/Respondent, Research Park, LLC (“Defendant”), served a notice of appeal in this matter on August 26, 2024. Plaintiffs then served their notice of cross-appeal on August 29, 2024. Rule 206, SCACR, provides that, “[u]pon receipt of notification that the primary appellant has received the transcript of proceeding, the clerk of the appellate court shall establish a briefing schedule.” Defendant is the primary appellant in this cross-appeal, and via its motion, filed September 26, 2024, to consider transcripts as having been timely requested, Defendant notified the Court that it received the second of the two transcripts relevant to this appeal on September 25, 2024.

To the best of Plaintiffs’ knowledge, the Court has not as yet established a briefing schedule. Additionally, only recently, on September 26, 2024, the parties filed a consent motion asking the Court to hold the deadlines in this appeal in abeyance pending further decisions of the trial court, and the Court has not ruled on the motion.

Plaintiffs recognize, however, that the Court’s letter of September 5, 2024, states that “[t]he times for perfecting the appeal will run from the date of service of the last notice of appeal.” And given that Plaintiffs’ notice of cross-appeal, served August 29, 2024, was the last served notice of appeal, and that Plaintiffs were already in possession of the transcripts relevant to this appeal, and that today (September 30, 2024) is the 30<sup>th</sup> day since service of Plaintiffs’

notice of cross-appeal (as computed under Rule 263(a)), out of an abundance of caution, in case Plaintiffs' initial appellants' brief and designation of matter are due today, Plaintiffs' make this motion for an extension of thirty (30) days' time to serve/file the same.

The instant request for an extension is made on account of work-related and other time commitments and, upon consultation, with the kind consent of Defendant's counsel. Respectfully, Plaintiffs believe that the relief requested herein is founded on good cause and that the grant of the same is in furtherance of the interests of justice and in no way unduly prejudicial.

WHEREFORE, to the extent that their initial appellants' brief is indeed now due, Plaintiffs move this Honorable Court to grant them an extension of 30 days' time to file/serve their initial appellants' brief and corresponding designation of matter to be included in the record on appeal. With the extension requested herein, the deadline for filing/serving Plaintiffs' initial appellants' brief and designation of matter would be October 30, 2024, according to the undersigned's calculations. Further, Plaintiffs respectfully request the Court hold their present initial-briefing/designation-of-matter deadline in abeyance until it acts upon this motion.

**<SIGNED ON THE FOLLOWING PAGE>**

Respectfully submitted,

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Charleston, South Carolina

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**PROOF OF SERVICE**

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PMI Properties, LLC*

I, Russell G. Hines, of Clement Rivers, LLP, attorneys for Respondents/Appellants, hereby certify that **RESPONDENTS/APPELLANTS' CONSENT MOTION FOR EXTENSION OF TIME TO FILE/SERVE INITIAL APPELLANTS' BRIEF** was served on Appellant/Respondent on September 30, 2024, by emailing (see attached email) a copy of the same to Appellant/Respondent's counsel of record—and that it was likewise served on Respondents/Appellants' own additional counsel:

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Respectfully submitted,

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Charleston, South Carolina

September 30, 2024

**From:** [Bell, Pollyana \(Polly\)](#)  
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**Cc:** [Hines, Russell](#); [Justman, Aimee](#)  
**Subject:** Poly-Med, Inc. v. Research Park, LLC ; Appellate Case No. 2024-001404 (CR 240167)  
**Date:** Monday, September 30, 2024 4:01:51 PM  
**Attachments:** [image001.png](#)  
[1st Motion for Extension - Initial Brief.pdf](#)

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Enclosed please find Respondents/Appellants' Consent Motion for Extension of Time to File/Serve their Initial Appellants' Brief for service upon you in the above-referenced matter.

Thank you,

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