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Oct 07 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Charleston County
Court of Common Pleas

Roger M. Young, Sr., Circuit Court Judge

Case No. 2021-CP-10-05645
Appellate Case No. 2024-000064

The Charleston School of Law, LLC,
a South Carolina limited liability company and
Omshera Hotel Group, LLC,

Respondents,

v.

City of Charleston, a municipal corporation, and
Omshera Hotel Group, LLC, a North Carolina limited liability company,

Defendants,

Of which City of Charleston, a municipal corporation, is the

Appellant.

**MOTION TO CONFIRM DEADLINE FOR INTIAL REPLY BRIEF OF
APPELLANT OR, ALTERNATIVELY, FOR EXTENSION OF TIME
TO FILE/SERVE INITIAL REPLY BRIEF OF APPELLANT**

CLEMENT RIVERS, LLP
Stephen L. Brown (SC Bar No. 66468)
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Attorneys for Appellant

NOW COMES Appellant, City of Charleston, a municipal corporation (the “City”), by and through its undersigned counsel, pursuant to Rule 263(b), SCACR, on the grounds set forth below, and hereby moves this Honorable Court to either confirm that the deadline for the City to serve/file its initial reply brief to the initial briefs of both Respondent The Charleston School of Law, LLC, a South Carolina limited liability company (“CSOL”), and Respondent Omshera Hotel Group, LLC, a North Carolina limited liability company (“Omshera”), will not begin to run until Omshera’s service of its initial respondent’s brief or, alternatively, to grant the City an extension of ten (10) days’ time to serve/file its initial reply brief to CSOL’s initial respondent’s brief.

The City served/filed its initial appellant’s brief on July 17, 2024, and CSOL served/filed its initial respondent’s brief on September 16, 2024, making the original deadline for any initial reply brief by the City September 26, 2024, pursuant to Rule 208(a)(3), SCACR.

By motion served/filed September 25, 2024, the City requested a 10-day extension of time to serve/file its initial reply brief to CSOL’s initial respondent’s brief, i.e., an extension through Monday, October 7, 2024. As of the date of the instant motion, the Court has not ruled on that motion.

By order filed October 3, 2024, the Court granted Omshera’s motion to be realigned as a respondent to this appeal and established the deadline for Omshera’s

initial respondent's brief as thirty (30) days from October 3, 2024, which is Monday, November 4, 2024, calculated in accordance with Rule 263(a), SCACR.

With Omshera now a respondent, in the interests of efficiency and judicial economy, the City submits that it makes sense for it to submit a single reply brief to the briefs of CSOL and Omshera, and accordingly, that the deadline for the City to serve/file its initial reply brief to the initial briefs of both CSOL and Omshera should not be deemed to begin to run until Omshera serves its initial respondent's brief.

Alternatively, in the event that the Court is not inclined to deem the deadline for the City to serve/file its initial reply brief to the initial briefs of both CSOL and Omshera untriggered until Omshera serves its initial respondent's brief, on account of work-related and other time commitments, the City respectfully requests that its deadline to serve/file its initial reply brief in reply to CSOL's brief be extended by 10 days from October 7, 2024, i.e., through October 17, 2024. Respectfully, the City believes such relief is consistent with the interests of justice and will not work any undue prejudice upon any Respondent.

WHEREFORE, the City moves this Honorable Court to confirm that the deadline for the City to serve/file its initial reply brief to the initial briefs of both CSOL and Omshera will not begin to run until Omshera serves its initial respondent's brief or, alternatively, to grant the City an extension of ten (10) days'

time from October 7, 2024, i.e., through October 17, 2024, to serve/file its initial reply brief to CSOL's initial respondent's brief. Further, the City respectfully requests that the Court hold the present deadline in abeyance until it acts on this motion.

Respectfully submitted,
CLEMENT RIVERS, LLP

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Charleston, South Carolina

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PROOF OF SERVICE

CLEMENT RIVERS, LLP
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Attorneys for Appellant

I, Russell G. Hines, of Clement Rivers, LLP, attorneys for Appellant, City of Charleston, a municipal corporation, hereby certify that Appellant's **MOTION TO CONFIRM DEADLINE FOR INTIAL REPLY BRIEF OF APPELLANT OR, ALTERNATIVELY, FOR EXTENSION OF TIME TO FILE/SERVE INITIAL REPLY BRIEF OF APPELLANT** was served on Respondent on October 7, 2024, by emailing (see attached email) a copy of the same to their counsel of record:

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Respectfully submitted,
CLEMENT RIVERS, LLP

By: s/Russell G. Hines
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Charleston, South Carolina

October 7, 2024

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Subject: CSOL v. City of Charleston; Appellate Case No. 2024-000064 (CR 210151)
Date: Monday, October 7, 2024 2:29:57 PM
Attachments: [Mot. to Confirm Deadline for Initial Reply Brief etc..pdf](#)
[image001.png](#)

Enclosed please find Appellant's Motion to Confirm Deadline for Initial Reply Brief or, Alternatively, for Extension of Time to File/Serve their Initial Reply Brief for service upon you in the above-referenced matter.

Thank you,

Pollyana Bell
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