

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas
J.C. Nicholson, Jr., Circuit Court Judge

Case No. 2009-CP-10-2433
Appellate Case No. 2012-210729

RECEIVED
SEP 16 2013

SC Court of Appeals

Floyd E. Jernigan Respondent,

v.

Suzanne Boone Katz and Bank of America, N.A. Defendants,

Of Whom Suzanne Boone Katz is Respondent,

And Bank of America, N.A. is Appellant.

**MOTION FOR ALLOCATION OF
ADDITIONAL TIME FOR ORAL ARGUMENT**

Respondent Floyd E. Jernigan respectfully moves the Court to be allotted ten minutes for his oral argument.

The present oral argument notification, dated September 11, 2013, allots time as follows:

Appellant:	10 minutes
Respondent:	10 minutes
Appellant in reply:	5 minutes

Were the two Respondents to divide the allotted ten minutes equally, Dr. Jernigan would have only five (5) minutes for his argument.

He believes that to be insufficient. He requests an allotment of ten (10) minutes.

Appellant's challenges to each Respondent's award are based on different grounds.

This is not a case where multiple respondents are defending the same order on summary judgment, the same ruling on an objection, the same ruling on a motion for directed verdict, or

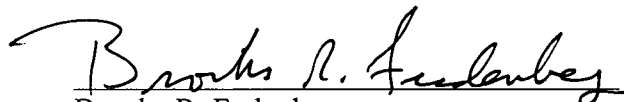
the like. Nor is this a case where multiple orders regarding multiple respondents concern the same issue. Accordingly, additional time is appropriate.

As background, this case began when Dr. Jernigan sued both Bank of America and Ms. Suzanne Boone Katz, his ex-wife. Ms. Katz counter-claimed and cross-claimed. Dr. Jernigan and Ms. Katz then settled the disputes between themselves. Following a bench trial, the Honorable J.C. Nicholson, Jr., awarded damages against the Bank and in favor of Dr. Jernigan, and separately awarded damages against the Bank and in favor of Ms. Katz. These were separate awards in separate judgment in separate orders on markedly different grounds.

Counsel for Dr. Jernigan has communicated with counsel for Appellant and with counsel for the other Respondent, and each has stated that they consent to increasing his allotment to ten minutes.

Therefore, Respondent Jernigan respectfully requests that his allotment be increased to ten minutes, or to such other amount as the Court shall deem just and proper.

9/13/13



Brooks R. Fudenberg

SC Bar No. 72019

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Attorney for Respondent Floyd E. Jernigan, M.D.

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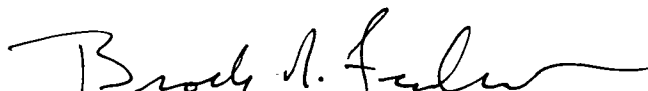
And Bank of America, N.A. is Appellant.

PROOF OF SERVICE

I certify that I have today served all counsel in this action with a copy of Respondent
Floyd E. Jernigan's foregoing Motion For Allocation Of Additional Time For Oral Argument by
placing a copy of the same, postage pre-paid, in the US Mail, addressed to the following:

Bryson M. Geer, Esq. Merritt G. Abney, Esq. NELSON MULLINS RILEY & SCARBOROUGH, LLP 151 Meeting Street I Sixth Floor Charleston, SC 29401-2239	Aaron E. Edwards, Esq. Lawrence E. Richter, Jr., Esq. The Richter Law Firm 622 Johnnie Dodds Boulevard Mt. Pleasant, SC 29464
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9/13/2013


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September 13, 2013

South Carolina Court of Appeals
The Honorable Jenny Abbott Kitchings, Clerk
Post Office Box 11629
Columbia, South Carolina 29211

RE: Floyd E. Jernigan v. Suzanne Boone Katz and Bank of America, N.A.
Appellate Case No. 2012-210729

Dear Ms. Kitchings,

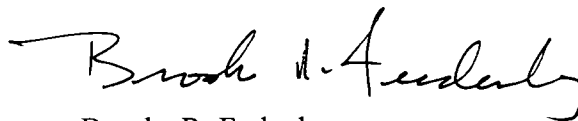
Please find enclosed:

- An original and seven (7) copies of Respondent Floyd E. Jernigan's motion for allocation of additional time for oral argument;
- An original and one (1) copy of the certificate of service re: same;
- My firm check in the amount of \$25.00 as the filing fee; and
- A return envelope.

Please return a stamped copy of the motion and of the certificate of service in the enclosed envelope.

Thank you.

Yours very truly,



Brooks R. Fudenberg
Attorney for Respondent Floyd E. Jernigan

cc: Bryson M. Geer, Esq.
Merritt G. Abney, Esq.
Geoffrey H. Waggoner, Esq.

Aaron E. Edwards, Esq.
Lawrence E. Richter, Jr., Esq.

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