

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

**RECEIVED**

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

**May 12 2025**

The Honorable Jessica A. Salvini

**SC Court of Appeals**

Appellate Case No. 2024-002063

Jon Kane,

Appellant,

v.

Darien Applegate; Darien E. Applegate Trust;  
Darien E. Applegate, Successor in Partnership;  
Big Blue Allure, LLC; Allure Outdoor, LLC;  
Allure Advertising, LLC; Lamar OCI South Corp.;  
Lamar Advertising,

Defendants

of which Darien Applegate, individually,  
and as Trustee of the Darien E. Applegate Trust,  
and as Successor in Partnership; Big Blue Allure, LLC;  
and Allure Outdoor, LLC are the Respondents.

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**MOTION FOR EXTENSION OF TIME**

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Pursuant to Rule 240, SCACR, Respondents Darien Applegate, individually and as Trustee of the Darien E. Applegate Trust, Big Blue Allure, LLC, and Allure Outdoor, LLC (“Respondents”) move the Court for an extension of time of thirty (30) days to serve and file their initial brief and Designation of Matter to Be Included in the Record on Appeal. Respondents show the Court that the time for filing and serving their initial brief and designation has not yet expired, as Respondents received service of Appellants’ initial brief and designation on April 16, 2025. Respondents respectfully move the Court to extend the time to file and serve their initial brief and Designation of Matter to Be Included in the Record on Appeal by thirty (30) days, until and including June, 16 2025,

for the reason that Respondents need additional time to prepare their brief and designation.

WHEREFORE, Respondents respectfully requests a thirty-day extension of time until June 16, 2025 in which to serve and file their initial brief and Designation of Matter to Be Included in the Record on Appeal.

Dated: May 12, 2025  
Charlotte, North Carolina

By: /s/ Jennifer M. Houti  
Jennifer M. Houti  
S.C. Bar No. 102055  
James, McElroy & Diehl, P.A.  
525 N. Tryon Street, Suite 700  
Charlotte, NC 28202  
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*Attorney for Respondents*

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Defendants

of which Darien Applegate, individually,  
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and Allure Outdoor, LLC are the Respondents.

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**MEMORANDUM IN SUPPORT OF MOTION FOR EXTENSION OF TIME**

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Pursuant to Rule 240, SCACR, Respondents Darien Applegate, individually and as Trustee of the Darien E. Applegate Trust, Big Blue Allure, LLC, and Allure Outdoor, LLC (“Respondents”) move the Court for an extension of time of thirty (30) days to serve and file their initial brief. Respondents show the Court that the time for filing and serving their initial brief and Designation of Matter to Be Included in the Record on Appeal has not yet expired, as Respondents received service of Appellants’ initial brief on April 16, 2025. Respondents respectfully move the Court to extend the time to file and serve their initial brief and designation by thirty (30) days, until and including June, 16 2025, for the reason that Respondents need additional time to prepare their brief and

designation. Counsel for Appellants consents to this motion.

Dated: May 12, 2025  
Charlotte, North Carolina

By: /s/ Jennifer M. Houti  
Jennifer M. Houti  
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James, McElroy & Diehl, P.A.  
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*Attorney for Respondents*

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**PROOF OF SERVICE**

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I certify that I have this day served Respondents' Motion for Extension of Time and Memorandum of Law in Support on counsel for Appellant Jon Kane addressed to his attorneys of record at their AIS-designated email addresses as follows: Jesse Sanchez, The Law Office of Jesse Sanchez, LLC, [jesse@jessesanchezlaw.com](mailto:jesse@jessesanchezlaw.com); Matthew Z. Kelly, Oyster Road Law Firm, LLC, [MKelly@OysterRd.com](mailto:MKelly@OysterRd.com); Daniel S. Slotchiver, Slotchiver & Slotchiver, L.L.P., [Dan@SlotchiverLaw.com](mailto:Dan@SlotchiverLaw.com).

Dated: May 12, 2025  
Charlotte, North Carolina

By: /s/ Jennifer M. Houti  
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*Attorney for Respondents*