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May 15 2025

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM LEXINGTON COUNTY
Court of Common Pleas for the Ninth Judicial Circuit

The Honorable Courtney Clyburn Pope, Circuit Court Judge
Lexington County

Appellate Case No.: 2024-001585
Trial Court Case No.: 2020-CP-32-04007

Insurance Office of America, Inc.,

Respondent,

v.

1221 Bower, LLC,

Appellant.

**RESPONDENT INSURANCE OFFICE OF AMERICA, INC.'S MOTION FOR
EXTENSION OF TIME TO FILE RESPONDENT'S FINAL BRIEF**

COMES NOW Respondent Insurance Office of America, Inc. ("Respondent"), by and through its undersigned counsel, and hereby requests an extension of time to file the Final Brief of Respondent in the above-captioned appeal. As grounds for this Motion, Respondent states as follows:

1. Respondent seeks an extension of time to file Respondent's Final Brief due to a deficiency in the Record on Appeal, which does not contain all materials proposed in Respondent's Designation of Matter to be Included in the Record on Appeal. *See* Rule 210(c), SCACR (providing that "[t]he Record on Appeal shall include all matter designated to be included by any party under Rule 209").

2. Respondent's Initial Brief and Designation of Matter to be Included in the Record on Appeal were filed with the Court on March 17, 2025.

3. The Initial Brief of Respondent references and cites to the Affidavit of Attorney's Fees and Invoices attached as "Exhibit C" to Defendant's Motion for Attorneys' Fees. The Affidavit of Attorney's Fees and Costs and Invoices were designated in Respondent's Designation of Matter to be Included in the Record on Appeal in accordance with Rule 209(b), SCACR, as these materials are relevant to Appellant 1221 Bower, LLC's ("Appellant") appeal of the trial court's Order on Post-Trial Motions.

4. On April 29, 2025, Appellant served a physical copy of the Record on Appeal on the undersigned counsel for Respondent.

5. Although the index to the Record on Appeal lists the Affidavit of Attorney's Fees and Costs and Invoices, these materials were not included in the Record on Appeal.

6. Due to the exclusion of these materials from the Record on Appeal, Respondent is unable to comply with the requirements set forth in Rule 211 of the South Carolina Appellate Court Rules. *See* Rule 211(b)(1), SCACR ("The references in the initial brief shall be revised to indicate where the material appears in the Record on Appeal.").

7. Based on the date of service of the Record on Appeal, the deadline for filing Respondent's Final Brief is Monday, May 19, 2025.

8. The deadline for filing Respondent's Final Brief has not been previously extended.

9. For these reasons, Respondent Insurance Office of America, Inc., respectfully requests an extension of time to allow Respondent to file the Final Brief of Respondent within twenty (20) days after the service of a Supplemental Record on Appeal to include the Affidavit of

Attorney's Fees and Costs and Invoices designated in Respondent's Designation of Matter to be Included in the Record on Appeal.

Respectfully submitted,

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May 15, 2025
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