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Jul 14 2025

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM MARLBORO COUNTY
Roger E. Henderson, Circuit Court Judge

Op. No. 25-UP-085
(S.C. Ct. App. filed March 12, 2025)
Case No. 2021-CP-34-0150

RS&A Piping & Fabrication, Inc. a/k/a R. S. & A Piping, Inc.,..... Respondent,

v.

Ronald D. Kirby, Dylan T. Kirby, Treasurer for Marlboro County, and
Danny T. Williams,..... Defendants,

Of Whom, Treasurer for Marlboro County is the..... Petitioner.

**PETITIONER’S MOTION FOR EXTENSION
OF TIME TO FILE PETITION FOR
WRIT OF CERTIORARI**

The Petitioner Treasurer for Marlboro County respectfully moves this Court for an Order granting a thirty-day extension of time to file and serve a Petition for Writ of Certiorari and Appendix up to an including August 13, 2025 in the above referenced action as discussed below.

The Petitioner’s Petition for Rehearing was denied by the South Carolina Court of Appeals on June 12, 2025, and accordingly, the Petition for Writ of Certiorari and Appendix are currently due to be filed by July 14, 2025.

While this matter was still pending in the Court of Appeals, the Defendants Ronald D. Kirby, Dylan T. Kirby, and Danny T. Williams reached a settlement with the Respondent RS&A Piping & Fabrication, Inc. a/k/a R. S. & A Piping, Inc. In their filing withdrawing the Petition for Rehearing filed by the Defendants Ronald D. Kirby, Dylan T. Kirby, and Danny T. Williams, it was represented that “the Appellants have agreed to dismiss, with prejudice, the underlying action to set aside the tax sale deed and personal conversion.” To date, no such stipulation of dismissal has been filed. Counsel for the Petitioner attempted to obtain the parties’ consent to a stipulation of dismissal to that effect and to get that filed before the current deadline, but they have been unsuccessful. Counsel for the Respondent has advised that he is waiting on his client and that he will need additional time to confirm whether he can enter into a stipulation of dismissal ending this case with prejudice.

Given these circumstances, the Petitioner does not wish to waive any of his rights including the ability to seek a writ of certiorari in this Court should the Respondent not agree to the dismissal of the action against all Defendants with prejudice. As reflected in his Petition for Rehearing, the Petitioner believes that there are valid and meritorious issues for this Court to review on certiorari and that the Court of Appeals’ reversal and remand was in error. This request for an extension is not submitted for purposes of delay but rather to protect the Petitioner’s rights if this action is ultimately not dismissed with prejudice by the Respondent, as currently expected that it will be.

WHEREFORE, the Petitioner Treasurer for Marlboro County respectfully requests that it be granted a thirty-day extension of time to file and serve a Petition for Writ of Certiorari and Appendix up to an including August 13, 2025.

Respectfully submitted,

LINDEMANN LAW FIRM, P.A.

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Counsel for Petitioner
Treasurer for Marlboro County

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Danny T. Williams,..... Defendants,

Of Whom, Treasurer for Marlboro County is the..... Petitioner.

CERTIFICATE OF SERVICE

Pursuant to Section (d)(1) of the Supreme Court’s Order Methods of Electronic Filing and Service Under Rule 262 of the South Carolina Appellate Court Rules (As Amended April 24, 2024), the undersigned employee of Lindemann Law Firm, P.A., counsel for the Petitioner, does hereby certify that service of **Petitioner’s Motion for Extension of Time to File Petition for Writ of Certiorari** in the above-captioned matter was made upon the Clerk of the South Carolina Court of Appeals and all counsel of record by email only this the 14th day of July 2025, as follows:

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
Email: ctappfilings@sccourts.org

Leonard R. Jordan, Jr., Esquire
Jordan Law Firm
Email: ljordan@ljordanlaw.com

J. René Josey, Esquire
Turner, Padget, Graham & Laney, P.A.
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s/ Andrew F. Lindemann



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*Also Admitted in North Carolina

July 14, 2025

Via Email Only

The Honorable Patricia A. Howard
Clerk of Court
South Carolina Supreme Court
Email: suptctfilings@sccourts.org

RE: RS&A Piping & Fabrication, Inc. a/k/a R. S. & A Piping, Inc. v. Ronald D. Kirby, Dylan T. Kirby, Treasurer for Marlboro County, and Danny T. Williams
SCCA Case Number: 2022-001791
Civil Action Number: 2021-CP-34-0150
Our File Number: 79.20659

Dear Ms. Howard:

Pursuant to Section (b)(2) of the Supreme Court's Order RE: Methods of Electronic Filing and Service Under Rule 262 of the South Carolina Appellate Court Rules (as Amended April 24, 2024), please find enclosed for filing **Petitioner's Motion for Extension of Time to File Petition for Writ of Certiorari** in the above referenced matter. In accordance with Section (d)(1) of this same Order, I am hereby serving copies on the Clerk of the South Carolina Court of Appeals and all counsel of record by email only.

My firm's \$50.00 check for the filing fee will be mailed to the Court via U.S. Mail. If you have any questions, please advise.

Sincerely,

LINDEMANN LAW FIRM, P.A.

Andrew F. Lindemann

AFL/jmb
Enclosure

cc: The Honorable Jenny Abbott Kitchings (*w/ Enclosure, Via Email Only*)
Andrew F. McLeod, Esquire (*w/ Enclosure, Via Email Only*)
Leonard R. Jordan, Jr., Esquire (*w/ Enclosure, Via Email Only*)
J. René Josey, Esquire (*w/ Enclosure, Via Email Only*)
Allison Truitt Burch, Esquire (*w/ Enclosure, Via Email Only*)