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Aug 04 2025

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas
The Honorable R. Lawton McIntosh

Supreme Court Case No. 2024-001980

Circuit Court Case No. 2019-CP-07-01246
Court of Appeals Case No. 2021-000375

Greg Marcus Simmons and Jermaine Robinson, both individually and derivatively on behalf of Simmons Family Holdings, LLC, a South Carolina Limited Liability Company,

Respondents,

v.

Palmer E. Simmons, individually and as Trustee of the Charles E. Simmons, Jr. and Rosa G. Simmons Revocable Trust dated May 5, 2016, and Charlesetta S. Aiken,

Petitioners,

And Simmons Family Holdings, LLC,

as a nominal Defendant.

JOINT MOTION TO EXTEND STAY

By Order dated June 11, 2025, this Court granted the parties' Joint Motion for a Sixty-Day Stay, pending a possible settlement of this matter. Pursuant to the Order, the matter is being held in abeyance until August 11, 2025.

Pursuant to Rule 263, SCACR, Petitioners and Respondents hereby jointly move this Court to extend the Stay for an additional sixty (60) days, during which time the filing deadlines for briefing would continue to be held in abeyance. The grounds for this Motion are that, on July 30, 2025, the parties mediated this matter with former Chief

Justice Costa Pleicones, working toward settlement until nearly 7pm that evening. At the conclusion of the day, the mediator determined that the parties were not at an impasse, and that significant progress had been made within the day of mediation. It was the mediator's suggestion that the parties would benefit from adjourning and reconvening, with the intervening time to be used for due diligence on, and consideration of, a number of questions raised by settlement negotiations in this complex, multi-faceted matter.

Considering the number of parties and attorneys involved, coupled with the complexities of summer vacation schedules and the availability of former Chief Justice Pleicones, the undersigned counsel in good faith believe that a 60-day extension of the Stay is appropriate and will afford sufficient time in which to undertake the steps necessary to determine whether this action can be settled.

The proposed 60-day extension would expire on or about October 9, 2025. The parties shall notify this Court on or before that date as to whether the matter is resolved or not. In the event that mediation ultimately is not successful, the parties propose that Petitioners' opening Brief shall be due twenty (20) days after such notice to the Court.

This joint, consent Motion to Extend the Stay is made respectfully, in good faith, and not for the purpose of delay.

Respectfully submitted,

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Additional Counsel for Respondents

August 3, 2025
Charleston, South Carolina

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Opinion No. 2024-UP-194

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Petitioners,

and

Simmons Family Holdings, LLC,

as a nominal Defendant.

PROOF OF SERVICE

I certify that I have served the *Joint Motion to Extend Stay* on counsel for the Respondents, on August 3, 2025, at their email addresses of record with the AIS:

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