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S.C. Supreme Court

THE STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

Judge George James, Jr., Circuit Court Judge  
James F. Barber, Supervising Circuit Court Judge

Formerly Pending before the South Carolina Court of Appeals  
Howard Hammer ..... Appellant

v.

Shirley Hammer.....Respondent

Case No. 2009-CP-40-05911  
Appellate No. 2013-001652

1634 Main, L.P. ....Plaintiff/ Appellant

v.

Shirley Hammer a/k/a Shirley Grace Hightower .....Defendant and Third Party  
Plaintiff/Respondent

v.

Howard Hammer.....Appellant/Additional  
Defendant on Counterclaim/Appellant

Case No. 2010-CP-40-2889  
Appellate No. 2013-001634

**MOTION FOR AN EXTENTION OF TIME TO FILE INITIAL BRIEF AND  
DESIGNATION OF MATTER TO BE INCLUDED IN RECORD ON APPEAL**

Pursuant to Rules 240 and 263, SCRAP, Appellant 1634 Main, L.P. moves for a thirty  
(30) day extension of time to file an Initial Brief and Designation of Matter to be Included in the  
Record on Appeal. Appellant 1634 Main, L.P.'s Initial Brief and Designation of Matter to be

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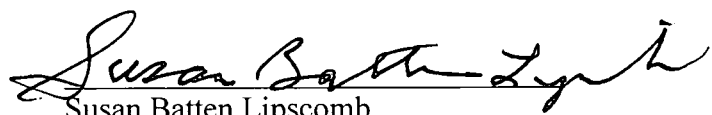
Included in the Record on Appeal is currently due on November 14, 2013, pursuant to Order which set an expedited briefing schedule. See Order attached.

The grounds for this motion are as follows:

1. The record below includes hearings held on October 29, 2012 through November 1, 2012, January 15, 2013, May 1, 2013, and May 17, 2013, which resulted in over 1200 pages of transcript.
2. By order of the lower Court, the trials in the two cases were consolidated for trial, but, the trials were conducted consecutively.
3. The trials involved three cases, i.e. Shirley Hammer's counterclaims in Howard Hammer v. Shirley Hammer, Case Number 2009-CP-40-05911, 1634 Main, L.P. against Shirley Hammer and the claim of Shirley Hammer against Howard Hammer in Case Number 2010-CP-40-2889.
4. The last transcript of hearing was received by the undersigned on October 23, 2013. Under SCRAP Rule 208, absent a court order otherwise, the initial brief and designation of matter to be included on appeal would be November 25, 2013.
5. On information and belief, the additional time requested would not prejudice any of the parties.

Accordingly, attorney for Appellant requests until November 25, 2013, to file and serve an Initial Brief and Designation of Matter to be Included in the Record on Appeal.

Respectfully submitted,



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*Attorneys for Appellant 1634 Main, L.P.*

Columbia, SC  
November 8, 2013

Handwritten signature and a mark resembling a stylized '3' or a flourish.

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IN THE SUPREME COURT

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Hammer.....Appellant/Additional  
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Case No. 2010-CP-40-2889, Appellate No. 2013-001634

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PROOF OF SERVICE

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I, Susan Batten Lipscomb, attorney for Plaintiff/Appellant, 1634 Main, L.P., do hereby certify that on November 8, 2013, **MOTION FOR EXTENSION TO FILE INITIAL BRIEF AND DESIGNATION OF MATTER TO BE INCLUDED IN RECORD ON APPEAL** was served on counsel of record by placing a copy thereof in the U.S. Mail to the addresses as set forth below:

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Stephanie Weissenstein, Esquire  
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West Columbia, SC 29169

Howard Hammer, *pro se*  
1609 Catawba Street  
Columbia, SC 29205

Arthur K. Aiken, Esquire  
AIKEN & HIGHTOWER, PA  
2231 Devine Street, Suite 201  
Columbia, SC 29205

  
Susan Batten Lipscomb

# The Supreme Court of South Carolina

Howard Hammer, Appellant,

v.

Shirley Hammer, a/k/a Shirley Grace Hightower,  
Respondent.

And

1634 Main, L.P., Appellant,

v.

Shirley Hammer a/k/a Shirley Grace Hightower,  
Respondent,

v.

Howard Hammer, Appellant.

Appellate Case No. 2013-001634

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## ORDER

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There are two motions pending in these consolidated appeals. The first is a motion to remand filed by Howard Hammer, *pro se*, in *1634 Main, L.P., v. Shirley Hammer a/k/a Shirley Grace Hightower, v. Howard Hammer*. That motion is denied as moot.

The second motion is a motion to dismiss filed by Shirley Hammer in which she requests that the appeals be dismissed based on appellants' failure to make satisfactory arrangements for obtaining the necessary transcripts. The motion to dismiss is denied.

The three court reporters from whom the transcripts in this matter have been ordered shall complete and deliver the transcripts, and the parties shall make payment for such as agreed in correspondence with the court reporters, within ten days of the date of this order.

The following briefing schedule shall be followed. Within thirty days of the date of this order, appellants shall serve and file their initial briefs and designations of matter to be included in the record on appeal. Within thirty days of the date of service of each appellant's initial brief, respondent shall serve and file her corresponding initial brief and designation of matter to be included in the record on appeal. Appellants shall have five days after service of respondent's initial brief to serve and file an initial reply brief. The record on appeal shall be served within fifteen days of the date of service of the initial reply brief. Final briefs shall be served and filed within ten days of the date of service of the record on appeal.

  
C.J.  
FOR THE COURT

Columbia, South Carolina

October 15, 2013

cc:

Howard Hammer, Esq

Susan Batten Lipscomb

Desa Allen Ballard

Stephanie Nichole Weissenstein

Arthur Kerr Aiken

Desiree Allen, Court Administration