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Oct 23 2025

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Dale E. Van Slambrook, Circuit Court Judge
Case No. 2023-CP-10-4408

Appellate Case No. 2024-002103

Crescent Homes Realty, LLC, Appellant,

v.

Brenda Kennedy, Respondent.

MOTION TO FILE OUT OF TIME

NOW COMES the Respondent, Brenda Kennedy, by and through undersigned counsel, and respectfully moves this Honorable Court for an order permitting the filing of Respondent's Final Brief out of time, and in support thereof states as follows:

Pursuant to Rule 208(b)(1), SCACR, Respondent's Final Brief was due within thirty (30) days after service of Appellant's Brief on September 30, 2025. Respondent's Brief was not filed by the deadline. Respondent's Brief was completed and is ready for filing. The delay in filing was due to counsel's inadvertent miscalculation of the filing deadline which Respondent contends constitutes excusable neglect. under Rule 208(b)(1), SCACR. Appellant will not be prejudiced by the granting of this Motion, as Respondent timely filed her initial brief on July 31, 2025, and there are no substantive changes between her initial brief and the final brief., thus Appellant's ability to respond was not delayed or impaired. Respondent has a meritorious

defense to the appeal, as evidenced by the attached Brief, which addresses substantial issues regarding waiver of arbitration. The interests of justice favor allowing the Brief to be filed so that this Court may have the benefit of full briefing on the important legal issues presented in this appeal.

Respectfully submitted,

s/Marybeth Mullaney
Marybeth Mullaney
MULLANEY LAW
4900 O'Hear Avenue
Suites 100 & 200
North Charleston, SC 29405
(843) 588-5587
Attorney for Respondent

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CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of October 2025, I caused a copy of the foregoing Motion to File Respondent's Brief Out of Time to be served upon counsel for Appellant by electronic mail addressed as follows:

Riley Holmes, Jr., Esq.
Allan R. Holmes, Esq.
GIBBS & HOLMES
171 Church Street, Suite 110
Charleston, SC 29401

s/Marybeth Mullaney
Marybeth Mullaney, Esquire