

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY  
Court of Common Pleas

J. Mark Hayes, II, Circuit Court Judge

Case No. 2002-CP-07-1377

70289

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SC Court of Appeals

Ex parte: William Dixon Robertson III, William M. Bowen, W.  
Jefferson Leath, Jr., Michael S. Seekings, and Timothy W. Bouch,.....Appellants.

Timothy J. Treon and his wife, Jane Treon, and P. Jennings Searce  
and Steven Christian individually, and on behalf of other similarly  
situated in the State of South Carolina,.....Respondents,

v.

Dryvit Systems, Inc., ..... Defendant.

MOTION FOR EXTENSION OF TIME TO FILE APPELLANTS'  
INITIAL BRIEF AND DESIGNATION OF MATTER

Pursuant to Rules 240 and 263(b), SCACR, Appellants request a 30-day extension of time in which to file their Initial Brief and Designation of Matter for the Record on Appeal. Appellants filed their notice of appeal on June 17, 2013. Respondents filed a motion to dismiss on July 12, 2013, thereby suspending the briefing deadlines. This Court denied Respondents' motion by order dated October 11, 2013. On the same day, the Clerk of Court advised that Appellants' Initial Brief and Designation of Matter are due in 30 days, *i.e.*, by November 12, 2013.<sup>1</sup> Accordingly, Appellants request that the deadline for filing be extended to December 12, 2013.

<sup>1</sup> The 30th day falls on Sunday, November 10, 2013. Because November 11 is a federal holiday, Rule 263(a), SCACR, extends the filing deadline to November 12.

The undersigned certifies that prior to filing this Motion, Appellants contacted counsel for Respondents to seek their consent for this requested thirty (30) day extension but to date have received no response.

*[Signatures on following page]*

November 5, 2013

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Attorney for Defendant  
Dryvit Systems, Inc.

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and Steven Christian individually, and on behalf of other similarly  
situated in the State of South Carolina,.....Plaintiffs,

v.

Dryvit Systems, Inc., ..... Defendant.

**PROOF OF SERVICE**

I certify that this 5th day of November, 2013, I have served the foregoing  
document via U.S. Mail, first class postage prepaid, on the following counsel:

M. Dawes Cooke, Jr., Esquire  
John A. Jones, Esquire  
Barnwell Whaley Patterson & Helms  
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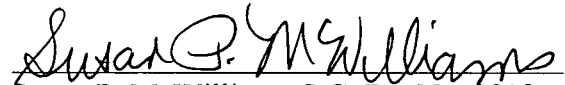
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Attorney for Appellant  
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Susan P. McWilliams  
Member  
Admitted in SC, GA

November 5, 2013

**HAND DELIVERED**

The Honorable Jenny Abbott Kitchings  
Clerk, SC Court of Appeals  
1015 Sumter Street  
Columbia, South Carolina 29201

Re: *Ex parte: William Dixon Robertson III, et al., Appellants and Timothy J. Treon, et al., Plaintiffs/Respondents v. Dryvit Systems, Inc., Defendant;*  
Beaufort County Case No. 2002-CP-07-1377  
Appellate Case No. 2013-001367

Dear Ms. Kitchings:

Enclosed herewith for filing in the above-referenced matter are the original and seven (7) copies of the Motion for Extension of Time to File Appellants' Initial Brief and Designation of Matter. Please return a received-stamped copy to me via our courier. Also enclosed is the \$25.00 filing fee and a proof of service reflecting that counsel of record have been served with copies of the same.

With best regards, I am

Very truly yours,

  
Susan P. McWilliams

SPM/cwh  
Enclosures

cc (w/encl.):

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Gregory M. Alford, Esquire  
Thomas J. Finn, Esquire  
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