

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM DORCHESTER COUNTY
Court of Common Pleas

The Honorable Diane Schafer Goodstein, Circuit Court Judge

Case No. 2011-CP-18-1013

Appellate Case No. 2013-002066

70300

Bank of New York Mellon, as Successor Trustee under NovaStar Mortgage Funding Trust, Series 2004-1 Appellant,

v.

Rachel R. Lindsay, Jeffrey Wayner, Tammy Wayner, Tiffany Spann-Wilder, Esq., The Steinberg Law Firm and United States of America acting by and through its agency, the Internal Revenue Service, Defendants,

Of Whom Rachel R. Lindsay is the Respondent.

Rachel R. Lindsay Respondent,

v.

Saxon Mortgage Services, Inc. Appellant.

APPELLANTS' SECOND CONSENT MOTION FOR EXTENSION
OF TIME TO FILE INITIAL BRIEF

Appellant Bank of New York Mellon, as Successor Trustee under NovaStar Mortgage Funding Trust, Series 2004-1 and Saxon Mortgage Services, Inc. (together "Appellants") hereby request an additional fifteen (15) day extension of time to file their Initial Brief pursuant to Rules 208, 240, and 263(b) of the South Carolina Appellate Court Rules. This request is necessitated due to numerous other work and scheduling conflicts.

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SC Court of Appeals

An extension will allow counsel to devote the time necessary to finalize the Appellants' Initial Brief.

This is the second extension request by Appellants to file their Initial Brief. No prejudice will be caused to any party by this additional fifteen (15) day extension, and Respondent has consented to this extension. The current due date for Appellants' Initial Brief is November 8, 2013. With a fifteen (15) day extension, Appellants' Initial Brief would be due on or before November 25, 2013. Appellants further request that the current deadline be held in abeyance until this Court issues an order on this motion.

Respectfully Submitted,

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: 

B. Rush Smith III
SC Bar No. 012941
E-Mail: rush.smith@nelsonmullins.com
1320 Main Street / 17th Floor
Post Office Box 11070 (29211-1070)
Columbia, SC 29201
(803) 799-2000

Merritt G. Abney
SC Bar No. 71893
E-Mail: merritt.abney@nelsonmullins.com
Dow A. Davidson
SC Bar No. 80512
151 Meeting Street / Sixth Floor
Post Office Box 1806 (29402-1806)
Charleston, SC 29401-2239
(843) 853-5200

Attorneys for Appellants

Charleston, South Carolina

November 6, 2013

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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The Honorable Diane Schafer Goodstein, Circuit Court Judge

Case No. 2011-CP-18-1013

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Bank of New York Mellon, as Successor Trustee under NovaStar Mortgage Funding Trust, Series 2004-1 Appellant,

v.

Rachel R. Lindsay, Jeffrey Wayner, Tammy Wayner, Tiffany Spann-Wilder, Esq., The Steinberg Law Firm and United States of America acting by and through its agency, the Internal Revenue Service, Defendants,

Of Whom Rachel R. Lindsay is the Respondent.

Rachel R. Lindsay Respondent,

v.

Saxon Mortgage Services, Inc. Appellant.

PROOF OF SERVICE

I HEREBY CERTIFY that I have served the **APPELLANTS' SECOND CONSENT MOTION FOR EXTENSION OF TIME TO FILE INITIAL BRIEF** on Respondents and Defendants by depositing copies of it in the United States Mail, postage prepaid, addressed to the below Counsel of Record:

G. Thomas Hill, Esq.
Hill and Hill Law Firm
6209 Savannah Highway
PO Box 369
Ravenel, SC 29470

*Attorney for Defendant and Third-Party Plaintiff
Rachel R. Lindsay*

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Matthew J. Modica, Esq.
U.S. Attorney's Office
151 Meeting Street, Suite 200
Charleston, SC 29401

*Attorney for United States of America acting by and through its agency, the
Internal Revenue Service*

By: Lisa P. Whitehurst
Lisa P. Whitehurst
Administrative Assistant

November 6, 2013

Nelson Mullins

Nelson Mullins Riley & Scarborough LLP

Attorneys and Counselors at Law
1320 Main Street / 17th Floor / Columbia, SC 29201
Tel: 803.799.2000 Fax: 803.255.9026
www.nelsonmullins.com

B. Rush Smith III
Tel: 803.255.9492
Fax: 803.255.9026
rush.smith@nelsonmullins.com

November 6, 2013

Hand Delivered

The Honorable Jenny Abbott Kitchings
Clerk of Court
SC Court of Appeals
1015 Sumter Street - 5th Floor
Columbia, SC 29201

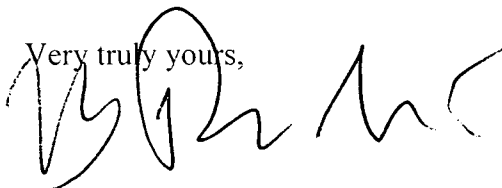
RE: The Bank of New York Mellon, as Successor Trustee under NovaStar Mortgage Funding Trust, Series 2004-1 v. Rachel R. Lindsay, et al.
Appellate Case No.: 2013-002066
Our File No.: 33576/01503

Dear Ms. Kitchings:

Please find enclosed the original and seven copies of Appellants' Second Consent Motion for Extension of Time to File Initial Brief in the above matter. We also enclose our firm's check in the amount of \$25.00 in payment of the required filing fee for this request. We would appreciate your filing the original and returning a filed copy to us via our courier.

Thank you for your assistance.

Very truly yours,



B. Rush Smith III

BRSIII:lpw

Enclosures

cc: G. Thomas Hill, Esquire
Matthew J. Modica, Esquire

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