

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

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APPEAL FROM BEAUFORT COUNTY  
Court of Common Pleas  
Judge Carmen T. Mullen, Circuit Court Judge

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Appellate Case No. 2025-000615  
Circuit Court Case No. 2022-CP-07-01978

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Broad Creek Development, LLC,

Appellant,

v.

Beaufort County,

Respondent.

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**APPELLANT’S UNOPPOSED SECOND MOTION FOR EXTENSION OF TIME TO  
FILE INITIAL REPLY BRIEF**

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Appellant Broad Creek Development, LLC (“Appellant”), by and through its undersigned counsel, and with the consent of Respondent Beaufort County (“Respondent”), respectfully moves this Court, pursuant to Rules 240 and 263, SCACR, for entry of an order extending the time within which Appellant must file its Initial Reply Brief by ten (10) days. The grounds for this motion are as follows:

1. Based upon Rule 208(a), SCACR, as Respondent’s initial brief was filed and served on January 20, 2026, the deadline for Appellant to file and serve its Initial Reply Brief was January 30, 2026.

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**SC Court of Appeals**

2. This Court entered an order on January 22, 2026, extending the deadline to February 17, 2026.

3. Appellant requests that the deadline for filing its Initial Reply Brief be extended by an additional ten (10) days, up to and including February 27, 2026.

4. Counsel for Respondent has consented to the requested extension, over text message correspondence and via email correspondence on February 12, 2026.

5. This request is supported by good cause. Appellant seeks a 10-day extension to allow its counsel adequate time to prepare its Initial Reply Brief. Appellant's counsel has several pending deadlines in other matters and is temporarily short-staffed.

6. Based on the foregoing, Appellant's counsel will not be able to complete the Initial Reply Brief by the current deadline and respectfully submits that the length of the extension requested is warranted.

### **CONCLUSION**

This Motion is supported by the grounds set forth herein and the South Carolina Appellate Court Rules. Undersigned counsel conferred with counsel for Respondent prior to filing the instant motion, and Respondent consents to the extension of time requested in this motion.

*[Signature Follows]*

Respectfully submitted,

*s/ Jeffrey S. Tibbals*

Richard D. Bybee (SC Bar No. 1063)

rdb@bybeetibbals.com

Jeffrey S. Tibbals (SC Bar No. 72628)

jst@bybeetibbals.com

BYBEE & TIBBALS, LLC

1100 Queensborough Blvd., Suite 202

Mt. Pleasant, SC 29464

Telephone: 843.881.1623

*Attorneys for Appellant Broad Creek  
Development, LLC*

February 12, 2026

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Broad Creek Development, LLC,

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**PROOF OF SERVICE**

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I certify that Appellant Broad Creek Development, LLC's Unopposed Second Motion for Extension of Time to File Initial Reply Brief in this matter was served on the above-named Respondent by e-mailing a .pdf copy of the same to its counsel of record, on this 12th day of February 2026 addressed to the recipient attorney's primary e-mail addresses listed in the South Carolina Attorney Information System as shown below:

Christopher L. Murphy, Esq.  
cmurphy@rlattorneys.com  
Wesley A. Southern, Esq.  
wsouthern@rlattorneys.com  
RESNICK & LOUIS, P.A.  
146 Fairchild Street, Suite 130  
Charleston, SC 29492

*Attorneys for Respondent Beaufort County*

Respectfully submitted,

s/ Jeffrey S. Tibbals

Richard D. Bybee (SC Bar No. 1063)

rdb@bybeetibbals.com

Jeffrey S. Tibbals (SC Bar No. 72628)

jst@bybeetibbals.com

BYBEE & TIBBALS, LLC

1100 Queensborough Blvd., Suite 202

Mt. Pleasant, SC 29464

Telephone: 843.881.1623

*Attorneys for Appellant Broad Creek  
Development, LLC*

# BYBEE & TIBBALS

1100 Queensborough Blvd. Suite 202  
Mount Pleasant, SC 29464

843.881.1623

[bybeetibbals.com](http://bybeetibbals.com)

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Feb 12 2026

SC Court of Appeals

Jeffrey S. Tibbals  
jst@bybeetibbals.com

February 12, 2026

**VIA E-MAIL AND U.S. MAIL**

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
1220 Senate Street  
Columbia, SC 29201  
ctappfilings@sccourts.org

**Re: *Broad Creek Development, LLC v. Beaufort County*  
Appellate Case No. 2025-000615  
Filing Fee Enclosed for Appellant's Motion for Extension of Time**

Dear Ms. Kitchings:

Please find enclosed, on behalf of Appellants Broad Creek Development ("Appellant"), Bybee & Tibbals, LLC's check number 1734 in the amount of \$50.00, payable to the South Carolina Court of Appeals, for payment of the filing fee for the Appellant's Second Motion for Extension of Time to File Reply Brief, filed by Appellant on February 12, 2026 in the above-captioned case.

Yours Sincerely,



Jeffrey S. Tibbals, Esq.  
Enclosure

cc: Christopher L. Murphy, Esq. (via e-mail only)  
Wesley A Southern, Esq. (via e-mail only)