

February 25, 2026

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**SC Court of Appeals**

***Via Email***

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211  
[ctappfilings@sccourts.org](mailto:ctappfilings@sccourts.org)

***Re: Hubert N. Smith, Jr. and Stanley Hix, Appellants v. Anderson County Planning Commission and Spano & Associates, Inc., Respondents***  
***Appellate Case No. 2025-001505***

Dear Ms. Kitchings:

I represent Spano and Associates, Inc. (“Spano”) in the above-referenced matter and write in response to Appellants’ letter of February 23, 2026, in which they request a 30-day extension of time to file their Initial Brief. For the reasons below, Spano respectfully opposes the request.

This is *not* Appellants’ first extension request in this matter.

Appellants filed their first Notice of Appeal on July 28, 2025, challenging the Form 4 Order entered by the Circuit Court on June 5, 2025; the formal Order entered on June 10, 2025; the Form 4 Order entered on June 30, 2025; and the formal Order entered June 30, 2025, all issued by the Honorable R. Lawton McIntosh.

On August 8, 2025, the Court notified Appellants’ counsel that the deadline for ordering the transcript had expired and directed counsel to show that the transcript had been timely ordered from the court reporter. That same day, Appellants requested the transcript with expedited seven-day delivery, and the transcript was delivered on August 15, 2025. On August 22, 2025, Appellants moved for their first 30-day extension to file their Initial Brief. On August 29, 2025, the Court issued a deficiency notice because the filing-fee check for the motion was unsigned. Appellants corrected the deficiency on September 8, 2025, and the Court granted the extension by order dated September 9, 2025, extending the deadline to October 8, 2025.

On September 29, 2025, Appellants filed a second Notice of Appeal challenging the Form 4 Order entered August 27, 2025, and the formal Order entered September 4, 2025, also issued by Judge McIntosh. On September 30, 2025, the Court acknowledged receipt of “multiple notices of appeal in this case,” stated that the notices would be consolidated, and confirmed that the deadlines

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for perfecting the appeal would run from the date of service of the second notice of appeal. Appellants requested a transcript from the August 27, 2025 hearing on October 9, 2025, but on October 24, 2025, modified the request to seek the transcript of the August 21, 2025 hearing and again requested expedited delivery. Legal Eagle, Inc. confirmed receipt of the expedited request on October 26, 2025, and asked for authorization to proceed. Appellants' counsel did not provide that authorization until November 6, 2025.

On December 17, 2025, Spano filed a Motion to Dismiss the Appeal pursuant to Rules 240 and 260(a), SCACR, based on the perceived failure of Appellants to serve and file their Initial Brief and Designation of Matter within thirty days after receiving the transcript—December 15, 2025. Appellants' Return asserted that the court reporter had misspelled counsel's email address, resulting in delayed receipt of transcripts until December 11 and December 13, 2025, making January 12, 2026 the deadline for their Initial Brief. Under Rule 240(b), SCACR, Spano's Motion to Dismiss stayed the briefing deadlines. However, Spano subsequently withdrew the Motion.

The Court acknowledged the withdrawal by letter dated January 23, 2026, confirmed that the appeal was no longer held in abeyance, and notified Appellants that they were required to serve their Initial Brief and Designation within 30 days. Thirty-one days later (the 30<sup>th</sup> day falling on a Sunday), Appellants filed the present extension request, artfully representing to the Court that this "would be our *first extension* of this deadline," notwithstanding the prior extension history set forth above.

In the 211 days since Appellants filed their first Notice of Appeal—stemming from the unanimous approval of a subdivision application—Appellants have availed themselves of every possible opportunity to delay the adjudication of this appeal. Despite the representation in Appellants' Letter of February 23, 2026, undersigned is unaware of any attempt from Appellants' counsel to request consent to the requested extension. Spano is not aware of any circumstances that would warrant yet another extension of time for Appellants to file their Initial Brief and Designation, especially an extension providing another full 30-day period. Spano respectfully requests that the Court deny Appellants' request.

Thank you for your consideration.

Sincerely,



Carter R. Massingill

/CRM

cc: James G. Carpenter, Esq.  
Todd Russell Flippin, Esq.  
Edwin Brown Parkinson, Jr., Esq.