

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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70561

APPEAL FROM HORRY COUNTY  
Court of Common Pleas

Benjamin H. Culbertson  
Circuit Court Judge

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Case No.: 2012-CP-26-8652  
Appellate Case No.: 2013-001178

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TriStar Investors, Inc., Minerva Realty, LLC, and  
Angeline Johnson .....Appellant

v.

The Horry County Council and American Towers, LLC ..... Respondents

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RESPONDENT THE HORRY COUNTY COUNCIL'S  
MOTION FOR EXTENSION OF TIME TO FILE  
INITIAL BRIEF AND DESIGNATION OF MATTER

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Emma Ruth Brittain, Esquire  
THOMAS & BRITTAI, P.A.  
Post Office Box 1290  
Myrtle Beach, South Carolina 29578  
(843) 692-2628  
ATTORNEYS FOR RESPONDENT  
HORRY COUNTY COUNCIL

December 2, 2013

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**SC Court of Appeals**

Counsel for the Defendant, The Horry County Council ("Respondent"), hereby respectfully moves the Court, pursuant to Rule 240(a), SCACR, for a thirty (30) day extension of time to file the Initial Brief and Designation of Matter to be included in the Record on Appeal. Respondent has been granted one previous extension.

As a result of said Respondent's counsel's caseload and work schedule, Respondent respectfully contends that good cause exists for an extension of time to file its Initial Brief and Designation of Matter. Appellant's counsel, Michael J. Anzelmo, Esquire, has consented to this request.

Wherefore, Respondent The Horry County Council contends that this appeal and the interest of justice will be served by granting said Respondent an extension of time, Respondent therefore respectfully prays the Court for an order granting this Respondent an extension of thirty (30) days to file its Initial Brief and Designation of Matter to be included in the Record on Appeal.

Accordingly, Respondent requests the Court to enter an Order enlarging the time up to and including January 6, 2014, for the Respondents to submit their Initial Brief and Designation of Matter to be included in the Record on Appeal.

Respectfully submitted,



Emma Ruth Brittain, Esquire

THOMAS & BRITTAIN, P.A.

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Myrtle Beach, South Carolina 29578

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ATTORNEYS FOR RESPONDENT

THE HORRY COUNTY COUNCIL

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PROOF OF SERVICE

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I, Kimberly W. Nobles, legal assistant for the attorney representing Respondent  
The Horry County Council, hereby certify that I have served all counsel in this action  
with a copy of the pleading(s) hereinbelow specified by mailing a copy of the same by  
United States Mail, postage prepaid, to the following address(es):

Pleadings:

Respondent The Horry County Council's Motion for Extension of Time to File  
Initial Brief and Designation of Matter

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Counsel Served:

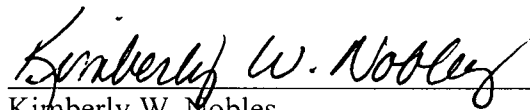
Susan P. MacDonald, Esquire  
Nelson, Mullins, Riley & Scarborough, LLP  
Post Office Box 3939  
Myrtle Beach, South Carolina 29578

Michael J. Anzelmo, Esquire  
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1320 Main Street I 17th Floor  
Post Office Box 11070  
Columbia, South Carolina 29201  
Attorneys for Appellants TriStar Investors, Inc.,  
Minerva Realty, LLC, and Angeline Johnson

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1101 Johnson Avenue, Suite 300  
Myrtle Beach, South Carolina 29577  
Attorneys for Defendant American Tower, ILC

Thomas C. Brittain, Esquire  
A. Preston Brittain, Esquire  
The Brittain Law Firm, P.A.  
4614 Oleander Drive  
Myrtle Beach, South Carolina 29577  
Attorneys for Defendant American Tower, LLC

Jonathan L. Yates, Esquire  
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145 King Street, Suite 102  
Charleston, South Carolina 29401  
Attorneys for Defendant American Tower, LLC

  
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December 2, 2013

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\*CERTIFIED EMPLOYMENT  
& LABOR LAW SPECIALIST

December 2, 2013

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

Re: TriStar Investors, Inc., Minerva Realty, LLC and Angeline Johnson v.  
The Horry County Council and American Towers, LLC  
Civil Action No.: 2012-CP-26-8652  
Appellate Case No: 2013-001178

Dear Ms. Kitchings:

Our firm represents The Horry County Council in the above-referenced matter. Please find enclosed for filing the Respondent The Horry County Council's Motion for Extension of Time to File Initial Brief and Designation of Matter in this case. Please return a clocked copy of the document to our office in the enclosed self-addressed stamped envelope. Also enclosed is our fee in the amount of \$25.00.

Please do not hesitate to contact our office if you have any questions.

Sincerely yours,

THOMAS & BRITTAIN, P.A.



Emma Ruth Brittain

ERB/kwn

Enclosures

cc: Susan P. MacDonald, Esquire  
Michael J. Anzelmo, Esquire  
David C. Slough, Esquire  
Thomas C. Brittain, Esquire  
A. Preston Brittain, Esquire  
Jonathan L. Yates, Esquire  
Arrigo P. Carotti, Esquire, Horry County Attorney

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