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Jun 30 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas for the Fifth Judicial Circuit

The Honorable William W. Wheeler, III, Circuit Court Judge

Appellate Case No.: 2026-001127
Trial Court Case No.: 2020-CP-40-03915

ATC Site Construction, LLC,

Respondent,

v.

NKD, Inc.,

Appellant.

**APPELLANT’S MOTION FOR EXTENSION OF TIME TO FILE INITIAL BRIEF AND
DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL**

Appellant NKD, Inc. (“Appellant”) respectfully moves this Court, pursuant to Rule 240, SCACR, for a 10-day extension of time to file and serve Appellant’s Initial Brief and Designation of Matter to be Included in the Record on Appeal.

This Motion is based on the following grounds:

1. The Initial Brief of Appellant and Appellant’s Designation of Matter to be Included in the Record on Appeal (the “Designation of Matter”) are currently due to be filed and served on Monday, July 6, 2026.

2. The undersigned counsel requires additional time to complete the Initial Brief of Appellant and Designation of Matter due to obligations to existing clients in other matters and

deadlines in cases pending in federal and state courts, as well as a scheduled office closure due to the upcoming Fourth of July holiday.

3. Accordingly, Appellant seeks a 10-day extension of time to file and serve the Initial Brief and Designation of Matter. With the extension of time requested in this Motion, the deadline for filing the Initial Brief of Appellant and Designation of Matter would be Thursday, July 16, 2026.

4. Prior to filing this Motion, the undersigned counsel conferred with counsel for Respondent ATC Site Construction, LLC, who has consented to the requested 10-day extension of time.

5. The deadline for filing Appellant's Initial Brief and Designation of Matter has not been previously extended.

WHEREFORE, Appellant NKD, Inc., respectfully requests that the Court grant a 10-day extension of time to allow until Thursday, July 16, 2026, to file and serve the Initial Brief of Appellant and Designation of Matter.

Respectfully submitted,

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June 30, 2026
Charleston, South Carolina

Attorneys for Appellant

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PROOF OF SERVICE

I hereby certify that I have served Appellant NKD, Inc.'s Motion for Extension of Time to File Initial Brief and Designation of Matter to be Included in the Record on Appeal on counsel of record for Respondent ATC Site Construction, LLC at their primary e-mail addresses listed in the Attorney Information System (AIS) in accordance with the Supreme Court's April 24, 2024 Amended Order as follows:

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