

RECEIVED

Sep 23 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY

Court of Common Pleas

The Honorable Benjamin H. Culbertson, Circuit Court Judge

Appellate Case No. 2025-002197

Civil Action No. 2024-CP-10-04878

Thomas Scott Jackson,
Respondent,

v.

Candelabra, Inc. d/b/a Meadow Blu d/b/a Lyndon Leigh and Whitney Moore,
Appellants.

**RESPONDENT'S MOTION FOR EXTENSION OF TIME TO SERVE FINAL BRIEF
ON APPELLANT**

TO THE HONORABLE JUDGES OF THE SOUTH CAROLINA COURT OF APPEALS:

Respondent Thomas Scott Jackson moves pursuant to Rules 240 and 263(b) of the South Carolina Appellate Court Rules ("SCACR") for a two-day extension of time to serve Respondent's Final Brief and for the Court to deem Respondent's September 23, 2026, service of that brief timely. Respondent's Final Brief itself was timely filed. In support of this Motion, Respondent states as follows:

FACTUAL BACKGROUND

1. Respondent's Final Brief was due on September 21, 2026.
2. On September 16, 2026, Respondent deposited the Final Brief in the United States mail, properly addressed to the Clerk of the South Carolina Court of Appeals. Under Rule 262(a)(2), SCACR, the date of mailing is the date of filing. The Final Brief was received by the Court on September 21, 2026.

3. A copy of the Final Brief was not emailed to counsel for Appellants at the same time it was mailed to the Court.
4. On September 23, 2026, upon discovering the omission, undersigned counsel promptly served counsel for Appellants electronically with the same Final Brief that had been submitted to the Court.
5. No change was made to the Final Brief after it was mailed to the Court. The delay in service was two days, and the omission was corrected immediately upon discovery.
6. On September 23, 2026, counsel for Respondent contact counsel for Appellant to inform him of the issues above stated. Counsel for Appellant consented to acceptance of Respondent's Final Brief on September 23, 2026. Counsel for Respondent likewise informed counsel for Appellant of his consent to this Motion for Extension of Time to Serve Sial Brief on Appellant.

LEGAL STANDARD

Rule 211(a), SCACR, requires each party to serve a copy of its final brief on every other party and file the final brief with the Clerk within twenty days after service of the Record on Appeal. Rule 262(a)(2), SCACR, provides that a document deposited in the United States mail, properly addressed to the Clerk with sufficient first-class postage, is filed on the date of mailing. Rule 262(b) requires proof that a filed document has been served on all parties.

Rule 263(b), SCACR, authorizes the appellate court, or any judge or justice thereof, to extend the time prescribed by the appellate rules for performing any act other than serving a notice of appeal under Rules 203 and 243. Rule 240 governs motions for extensions of time and requires a written motion stating its grounds and supported by a memorandum with citation of authorities. See Rule 240(a), (c), SCACR.

ARGUMENT

The requested extension is limited to service of the Final Brief and does not concern the timeliness of the brief's filing with the Court. Respondent timely mailed the Final Brief on September 21, 2026. The only procedural omission was the failure to contemporaneously serve Appellants. Once that omission was discovered on September 23, Respondent immediately served Appellants with the identical brief.

A two-day extension through September 23, 2026 will not prejudice Appellants or delay the appeal. Appellants received the same Final Brief that was already submitted to the Court, and no substantive or formatting change was made after filing. Because Rule 263(b) permits the Court to extend the time for service, Respondent respectfully requests that the Court extend the service deadline through September 23, 2026 and deem the service made on that date timely.

CONCLUSION

For these reasons, Respondent respectfully requests that the Court grant this Motion, extend the time for service of Respondent's Final Brief through September 23, 2026, and deem Respondent's September 23, 2026 service of the Final Brief upon Appellants timely.

Respectfully submitted,
/s/ Emmanuel J. Ferguson, Sr.
Emmanuel J. Ferguson, Sr.
S.C. Bar No. 81431
FERGUSON LAW AND MEDIATION, LLC
171 Church Street, Suite 160
Charleston, South Carolina 29401
Telephone: (843) 491-4890
emmanuel@fergusonlaborlaw.com
Attorney for Respondent

Charleston, South Carolina
September 23, 2026