

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Berkeley County
Court of Common Pleas

R. Markley Dennis, Jr., Circuit Court Judge

Case No. 2012-CP-08-03405

Century Metal Recycling Pvt. LTD
d/b/a CMR America,

v.

Don's Car Crushing, Inc. and
Donald R. Brewer,

Of whom Don's Car Crushing, Inc. is,

Respondent,

Defendants,

Appellant.

RESPONDENT'S MOTION FOR EXTENSION OF TIME

YOUNG CLEMENT RIVERS LLP
Stephen L. Brown
Russell G. Hines
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P. O. Box 993 (29402)
(843) 720-5488
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rhines@ycrlaw.com
Attorneys for the Respondent

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FEB 07 2014

SC Court of Appeals

7/2/18

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

COMES NOW the Respondent, Century Metal Recycling Pvt. LTD d/b/a CMR America, by and through its undersigned counsel, pursuant to Rule 263(b), SCACR, and, upon the grounds set forth below, respectfully requests an extension of time to file/serve its initial respondent's brief and corresponding designation of matter to be included in the record on appeal.

1. The Appellant, Don's Car Crushing, Inc., served its initial brief in this matter on December 4, 2013.

2. The Respondent previously requested a 30-day extension of time to file/serve its initial brief and corresponding designation of matter and, by Order filed January 27, 2014, this Court extended the time for filing and serving the respondent's initial brief and designation of matter until today, February 5, 2014.

3. On account of work-related as well as other time commitments, the Respondent's counsel hereby again requests a 30-day extension of time to file/serve the Respondent's initial brief and designation of matter and, in so doing, respectfully submits that the Court's allowance of the same is consistent with the interests of justice and will work no undue prejudice upon the Appellant.

4. Moreover, the Appellant has appealed "the Order Denying Defendant's Motion for Relief to Set Aside Default Judgment dated October 22, 2013" (See Appellant's Notice of Appeal, which is attached hereto as Exhibit A.)

5. The referenced October 22, 2013 Order was preceded (on that same date) by a hearing before the Honorable R. Markley Dennis, Jr.

6. It has come to the Respondent's attention that a transcript of this October 22, 2013 hearing has not previously been ordered and, therefore, it will take some time yet for the transcript to be available because the court reporter will have to prepare it.

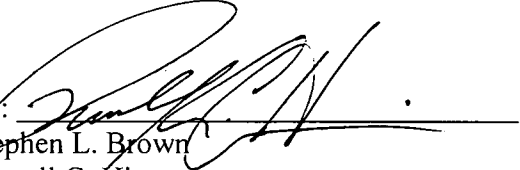
7. The Respondent is interested in obtaining the hearing transcript, which its counsel believes in good faith may be of material benefit to the preparation of the Respondent's initial brief and, to this end, the Respondent's counsel has now (on February 3, 2014) requested the hearing transcript from the court reporter.

WHEREFORE, the Respondent respectfully moves this Court for relief as follows. If the Court is inclined to allow the Respondent time to obtain the referenced hearing transcript from the court reporter, the Respondent asks that the Court enter an Order directing (in a manner similar to the provisions of Rule 207, SCACR, regarding an appellant's transcript order) that the Respondent advise the Court upon receipt of the transcript from the Court reporter (or, if the transcript has not been timely received from the court reporter within the sixty (60) days allotted under Rule 207), whereupon (in a manner similar to the provision of Rule 208, SCACR, regarding the determination of the appellant's deadline for initial briefing based upon receipt of the transcript) the Respondent shall have thirty (30) days from receipt of the transcript to file/serve its initial Respondent's brief and corresponding designation of matter. Alternatively, if the Court is not inclined to allow the Respondent time to obtain the referenced hearing transcript from the court reporter, for the reasons set forth above regarding work-related and other time commitments of counsel (and also to allow for the possibility that the court reporter may be able provide the hearing transcript during this time), the Respondent asks that the Court enter an Order allowing it an additional extension of thirty (30) days' time (from today, i.e., through March 7, 2014) to file/serve its initial brief and designation of matter. And, in any event, the

Respondent most respectfully asks that the Court hold its present deadline for filing/service of its initial brief and designation of matter in abeyance pending the Court's action on the instant motion.

Respectfully submitted,

YOUNG CLEMENT RIVERS, LLP

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sbrown@ycrlaw.com
rhines@ycrlaw.com
Attorneys for the Respondent

Charleston, South Carolina

Dated: 2/5/14

IN THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BERKELEY COUNTY
Court of Common Pleas

R. Markley Dennis, Jr., Circuit Court Judge

Case No. 2012-CP-08-03405

Century Metal Recycling PVT LTD D/B/A CMR America,.....Respondent.

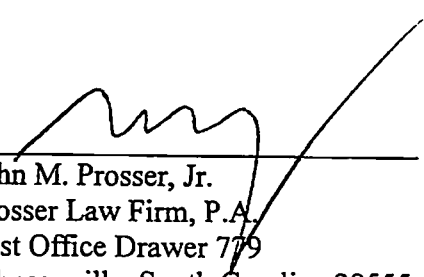
v.

Don's Car Crushing, Inc. and Donald R. Brewer,.....Appellant.

NOTICE OF APPEAL

Don's Car Crushing, Inc. appeals the Judgment by Default Against Defendants Order of the Honorable Robert E. Watson dated August 14, 2013 and the Order Denying Defendant's Motion for Relief to Set Aside Default Judgment dated October 22, 2013 and received October 24, 2013. Copies of the two (2) Orders are attached.

November 4, 2013



John M. Prosser, Jr.
Prosser Law Firm, P.A.
Post Office Drawer 779
Johnsonville, South Carolina 29555
(843)386-2825
Attorney for Appellant

Other Counsel of Record:
Stephen L. Brown
Young, Clement, Rivers, LLP
25 Calhoun Street, Suite 400
P.O. Box 993
Charleston, South Carolina 29402
Attorney for Respondent

Exhibit A

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	
COUNTY OF BERKELEY)	NINTH JUDICIAL CIRCUIT
)	
CENTURY METAL RECYCLING PVT. LTD D/B/A CMR AMERICA,)	CASE NO. 2012-CP-08-3405
)	
PLAINTIFF,)	
)	
vs.)	JUDGMENT BY DEFAULT AGAINST
)	DEFENDANTS
DON'S CAR CRUSHING, INC. AND DONALD R. BREWER,)	
)	
DEFENDANTS.)	

2013 AUG 13 AM 10:26
 MARK P. BRIDGEMAN
 CLERK OF COURT
 BERKELEY COUNTY, SC
 FILED

THIS MATTER COMES before the Court upon motion of Plaintiff Century Metal Recycling Pvt. Ltd d/b/a CMR America (hereinafter "CMR America"), for a default judgment against the Defendants Don's Car Crushing, Inc. and Donald R. Brewer (hereinafter "Don's Car Crushing" and "Brewer").

IT APPEARING to the Court that the default has been duly entered against Don's Car Crushing and Brewer, and that Don's Car Crushing and Brewer have not answered, otherwise pled, or appeared in this action, I hold that CMR America is therefore entitled to Judgment against Don's Car Crushing and Brewer by default. Based on CMR America's verified Complaint, and the affidavit of Rajiv Kaushal dated July 29, 2013, its claim against Don's Car Crushing and Brewer is capable of being made certain by computation; specifically, by calculating the percentage of impurities found to be in the product shipped by Don's Car Crushing and Brewer, multiplying that percentage by the total weight of product shipped, and multiplying that by the unit price which equals \$39,017.82, together with the industry average 10% markup for freight and processing costs \$3,901.78, which total amount is \$42,919.60. NOW, THEREFORE,

Exhibit A

IT IS HEREBY ORDERED, ADJUGED, AND DECREED that Judgment is and shall be entered against Don's Car Crushing and Brewer in the amount of \$42,919.60 together with all interest thereon allowed by law.

AND IT IS SO ORDERED.

By: Robert E. Wagon
Presiding Judge, Ninth Judicial Circuit

Moncks Corner, South Carolina

Dated: 8/14/13

FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF BERKELEY
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2012 CP-08-03405

CENTURY METAL RECYCLING PVT LTD
PLAINTIFF(S)

DON'S CAR CRUSHING, INC., ET AL
DEFENDANT(S)

Submitted by:	Attorney for : <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant
	or <input type="checkbox"/> Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):** Rule 12(b), SCRPC; Rule 12(c), SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled); Other
- ACTION STRICKEN (CHECK REASON):** Rule 40(j), SCRPC; Bankruptcy; Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 Affirmed; Reversed; Remanded; Other

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 FILED
 CLERK OF COURT
 BERKELEY COUNTY

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court: DEFENDANT'S MOTION FOR RELIEF TO SET ASIDE DEFAULT JUDGMENT IS DENIED.

ORDER INFORMATION

This order ends does not end the case.

Additional Information for the Clerk : _____

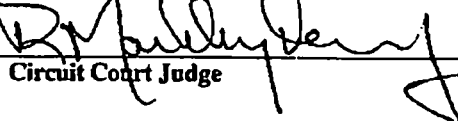
INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
		\$
		\$
		\$

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.



 Circuit Court Judge

2060
Judge Code

10/22/2013
Date

10/24/13
 Email
 SJB
 RMP

For Clerk of Court Office Use Only

This judgment was entered on the _____ day of _____, 20____ and a copy mailed first class or placed in the appropriate attorney's box on this day of _____, 20____ to attorneys of record or to parties (when appearing pro se) as follows:

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)
Mary P. Simpson
CLERK OF COURT

Court Reporter:

**THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

Appeal from Berkeley County
Court of Common Pleas

R. Markley Dennis, Jr., Circuit Court Judge

Case No. 2012-CP-08-03405

Century Metal Recycling Pvt. LTD
d/b/a CMR America,

Respondent,

v.

Don's Car Crushing, Inc. and
Donald R. Brewer,

Defendants,

Of whom Don's Car Crushing, Inc. is,

Appellant.

PROOF OF SERVICE

YOUNG CLEMENT RIVERS LLP
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rhines@ycrlaw.com
Attorneys for the Respondent

I, Russell G. Hines, of Young Clement Rivers, LLP, attorneys for the Respondent herein, do hereby certify that a copy of the foregoing **Respondent's Motion for Extension** was served upon counsel for the Appellant via United States Mail, postage pre-paid, on February 5, 2014, addressed as follows:

Prosser Law Firm, P.A.
John M. Prosser, Jr., Esquire
P.O. Drawer 779
Johnsonville, SC 29555

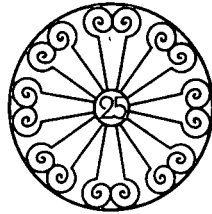
Attorney for Don's Car Crushing, Inc., Appellant

YOUNG CLEMENT RIVERS, LLP

By: 
Russell G. Hines

Charleston, South Carolina

Dated: 2/5/14



YCR LAW
Young Clement Rivers, LLP

Russell G. Hines

Direct Dial: (843) 720-5488
Direct Fax: (843) 579-1327
E-mail: RHines@yctrlaw.com

February 5, 2014

Jenny Abbott Kitchings, Clerk of Court
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Re: CMR America v. Don's Car Crushing
Appellate Case No. 2013-002463
Case No.: 2012-CP-08-3405
YCR File: 14977-20120962

Dear Ms. Kitchings:

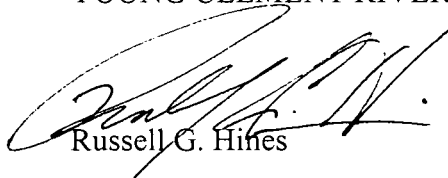
Enclosed for filing please find the original and seven (7) copies of a Motion for Extension in the above-referenced matter. Also enclosed are the original and two (2) copies of a Proof of Service regarding the same, as well as our firm check in the amount of \$25.00 to cover the cost of filing this motion.

Kindly return one clocked copy of each document to us in the pre-stamped envelope provided. Thank you, in advance, for your attention to this request.

With best wishes and kindest regards, I am

Sincerely,

YOUNG CLEMENT RIVERS, LLP



Russell G. Hines

RGH/amj
Enclosures
cc: John M. Prosser, Jr., Esquire, Prosser Law Firm, P.A.

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SC Court of Appeals

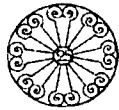
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FIRST CLASS MAIL



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25 Calhoun Street, Suite 400
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Charleston, SC 29402-0993

SLB
14977-
20120962

Jenny Abbott Kitchings, Clerk of
Court
South Carolina Court of Appeals
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Columbia, SC 29211

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