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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM NEWBERRY COUNTY
Court of Common Pleas

Joseph W. Hudgens, Special Referee

Common Pleas Case No.: 2012-CP-36-103
Appellate Case No. 2013-002181

RECEIVED

MAY 12 2014

SC Court of Appeals

EverBank,.....Respondent,

v.

Lenora Scurry, Patrick Scurry, The South Carolina
Department of Revenue, Defendants,

Of Whom Lenora Scurry and Patrick Scurry are.....Appellants.

MOTION FOR EXTENSION OF TIME TO SERVE AND FILE
APPELLANTS' INITIAL REPLY BRIEF

Andrew S. Radeker
Harrison & Radeker, P.A.
Post Office Box 50143
Columbia, South Carolina 29250
(803) 779-2211
Attorney for Appellants

Appellants hereby move pursuant to Rule 263(b), SCACR, for a four-day extension of the time in which to serve and file Appellants' Initial Reply Brief in this case. The grounds for this motion are that there is good cause to grant the requested extension, as the following shows:

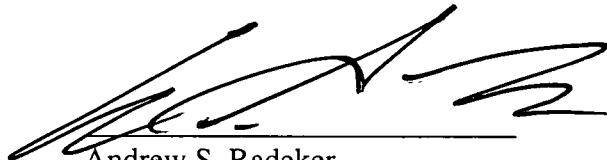
1. Appellants have never sought an extension of this deadline before.
2. The present deadline for service and filing of Appellants' Initial Reply Brief is today, May 12, 2014.
3. Though the Respondent's brief was served by mail on the undersigned on May 2, 2014, the postal service did not deliver it to the undersigned until May 7, 2014. That delay in delivery took up five days of the 10-day deadline period in which to draft, serve, and file the Reply Brief.
4. Nonetheless, the undersigned had planned to finish drafting the reply brief today in order to have it served and filed by the deadline. This morning, though, the undersigned (whose office has five total employees, including the attorneys) found out that one of those employees would be out sick today, making it so that the undersigned would have to spend a good deal of time dealing with matters that employee would handle if he were at work, in addition to counsel's existing slate of tasks for the day. Finishing the brief today appears increasingly unlikely.
5. Accordingly, the undersigned asked counsel for the Respondent if he would consent to a short extension of time – four days, just to be

safe – of Appellants’ time to serve and file their initial brief and designation.

6. Respondent’s counsel consents to the extension sought, as noted in the email message attached hereto.
7. Appellants’ counsel believes there is good cause to grant the requested four-day extension to May 16, 2014.

WHEREFORE Appellants pray for an Order extending the time in which to serve and file Appellants’ Initial Reply Brief for four days, to May 16, 2014.

Respectfully submitted,



Andrew S. Radeker
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Post Office Box 50143
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(803) 779-2211
Attorney for Appellants

May 12, 2014

Drew Radeker

From: Sean Foerster <Sean.Foerster@rtt-law.com>
Sent: Monday, May 12, 2014 10:06 AM
To: Drew Radeker
Cc: Tabitha Scott
Subject: RE: Everbank v. Scurry

Of course, any extension you need is fine.



Sean Foerster
Shareholder

Direct 803.744.1855
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Rogers Townsend & Thomas,
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220 Executive Center Dr.
Columbia, SC 29210

Main 803.771.7900
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From: Drew Radeker [mailto:Drew@harrisonfirm.com]
Sent: Monday, May 12, 2014 10:05 AM
To: Sean Foerster
Cc: Tabitha Scott
Subject: RE: Everbank v. Scurry

Sean:

We have an employee out of the office with pinkeye today. As a result, I will need to spend a good bit of today doing things he would have been doing. I had planned on knocking out the Scurry reply brief today, but that looks like a difficult proposition now. Plus, for some reason, the mail didn't bring your respondent's brief to me until May 7, even though you sent it on May 2. (Slow mail has become something I see more and more, perhaps as a correlation to decreased funding for the postal service.)

Anyhow, would you consent to a brief extension of my time through this Friday (May 16) to serve and file the reply brief?

Thank you.

Drew Radeker

HARRISON & RADEKER, P.A.

ATTORNEYS AT LAW

*Real Estate / Property Disputes · Foreclosure · Media Law · Zoning · Criminal Defense · Appeals
Personal Injury · Consumer Law · Mediation/Arbitration · False Arrest · Commercial Litigation*

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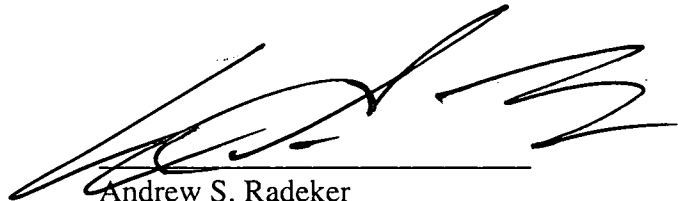
Of Whom Lenora Scurry and Patrick Scurry are.....Appellants.

PROOF OF SERVICE

I certify that I served the foregoing motion for extension by depositing a copy of it on the date shown below in the United States Mail, postage prepaid, addressed as follows:

Sean M. Foerster, Esq.
Rogers Townsend & Thomas, PC
P.O. Box 100200
Columbia, SC 29202

May 12, 2014



Andrew S. Radeker
Harrison & Radeker, P.A.
Post Office Box 50143
Columbia, South Carolina 29250
(803) 779-2211
Attorney for Appellants

LAW OFFICES
HARRISON & RADEKER, P.A.
923 CALHOUN STREET
COLUMBIA, SOUTH CAROLINA 29201

James C. Harrison, Jr.*
Andrew S. Radeker

* Mediator/Arbitrator

P.O. Box 50143
Columbia, SC 29250
(803) 779-2211
(803) 779-6700 (FAX)

May 12, 2014

VIA HAND DELIVERY

The Hon. Jenny Abbott Kitchings
Clerk of Court, Court of Appeals of South Carolina
Edgar Brown Building
1205 Pendleton Street
Columbia, South Carolina 29201

Re: **EverBank v. Lenora Scurry, et al.**
Common Pleas Case No.: 2012-CP-36-103
Appellate Case No. 2013-002181

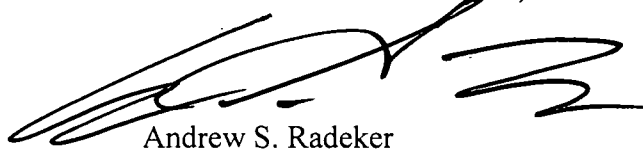
Dear Ms. Kitchings:

Enclosed herewith for filing an original and seven copies of a motion for extension of time in the above-referenced case, along with proof of service of the same.

Kindly file these documents and return a file-stamped copy thereof to the bearer of this letter. The motion fee of \$25.00 accompanies this letter. Thank you for your attention to this matter. Of course, if you or your staff have any questions or concerns, please do not hesitate to contact me.

With kind regards, I am,

Very truly yours,
HARRISON & RADEKER, P.A.



Andrew S. Radeker

ASR/

Enclosures

cc: Sean M. Foerster, Esq.

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