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SC Court of Appeals

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

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

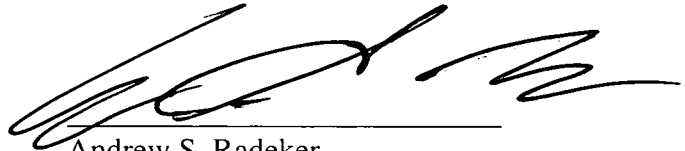
Andrew S. Radeker
Harrison & Radeker, P.A.
Post Office Box 50143
Columbia, South Carolina 29250
(803) 779-2211
Attorney for Appellants

Appellants hereby move pursuant to Rule 263(b), SCACR, for an 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. The undersigned counsel for the Appellants had anticipated serving and filing the Appellants' Initial Reply Brief by May 16, 2014. As the attached email correspondence notes, the undersigned was hired on Thursday, May 15, to represent a client in a case in which a hearing was scheduled the next day, Friday, May 16.
2. The undersigned is happy to report that the case in which he was hired on this emergency basis settled on Friday as a result of negotiations done at the Greenville County Courthouse; however, this could not be known in advance, and Appellants' counsel spent much of Thursday preparing for that case and most of Friday in its settlement negotiations, not to mention traveling from Columbia to Greenville and back again. The undersigned did not finish the brief on Friday.
3. The Appellants' Initial Reply Brief is being served and filed concurrently with this motion.
4. As the attached email correspondence also notes, Respondent's counsel consents to the extension subject of this motion.
5. Appellants' counsel believes there is good cause to grant the requested extension to May 19, 2014.

WHEREFORE Appellants pray for an Order extending the time in which to serve and file Appellants' Initial Reply Brief to May 19, 2014.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Andrew S. Radeker', is written over a horizontal line.

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

May 18, 2014

Drew Radeker

From: Sean Foerster <Sean.Foerster@rtt-law.com>
Sent: Friday, May 16, 2014 7:49 AM
To: Drew Radeker
Subject: RE: Everbank v. Scurry

Yes, of course. I'm fine with any extension you may need.

----- Original message -----

From: Drew Radeker
Date: 05/15/2014 10:04 PM (GMT-05:00)
To: Sean Foerster
Cc: Tabitha Scott
Subject: RE: Everbank v. Scurry

Sean:

I've been hired today on a case that is going to take me to Greenville in the morning for a hearing there. I've been up here preparing for that case. Do you mind consenting to a further extension to Monday?

Thanks.

Drew Radeker

HARRISON & RADEKER, P.A.

ATTORNEYS AT LAW

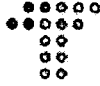
*Real Estate / Property Disputes · Foreclosure · Media Law · Zoning · Criminal Defense · Appeals
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923 Calhoun Street, Columbia, South Carolina 29201
Post Office Box 50143, Columbia, South Carolina 29250
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From: Sean Foerster [mailto: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.



ROGERS TOWNSEND
ATTORNEYS AT LAW

Sean Foerster
Shareholder

Direct 803.744.1855
Fax 803.343.7017

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

Main 803.771.7900
Visit rtt-law.com

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

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From: Sean Foerster [<mailto:Sean.Foerster@rtt-law.com>]
Sent: Wednesday, March 19, 2014 10:44 AM
To: Drew Radeker
Cc: Tabitha Scott
Subject: Everbank v. Scurry

Drew –

I hope you're doing well. I'm handling this appeal for Everbank now. I'm sending in a motion for a second extension on my Respondent's Brief. I've had a lot to do the past couple weeks, including preparing a jury trial.

Do you object to this second extension?



Sean Foerster Direct 803.744.1855
Shareholder Fax 803.343.7017
Rogers Townsend & Main 803.771.7900
Thomas, PC Visit rtt-law.com
220 Executive Center Dr.
Columbia, SC 29210

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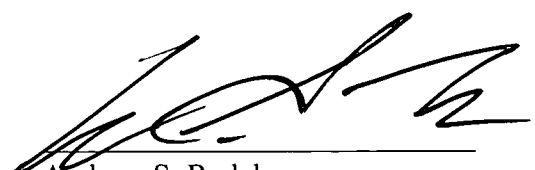
Of Whom Lenora Scurry and Patrick Scurry are.....Appellants.

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 18, 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

May 19, 2014

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SC Court of Appeals
P.O. Box 5042
Columbia, SC 29250
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(803) 779-6700 (FAX)

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

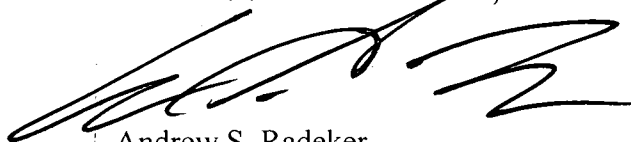
Dear Ms. Kitchings:

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, and an original and one copy of the Appellants' initial reply brief, 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.