

STATE OF SOUTH CAROLINA
IN THE
COURT OF APPEALS

Appeal from the Court of Common Pleas
For Charleston County
Honorable J. C. Nicholson, Jr., Circuit Judge
Civil Action No.: 2010-CP-10-9096

Frank Gordon, Jr., Individually and as Trustee
of the Dorothy S. Gordon (Deceased) Trust,

Respondent,

v.

Donald W. Lancaster,

Appellant.

Appeal from the Court of Common Pleas
For Charleston County
Honorable J. C. Nicholson, Jr., Circuit Judge
Civil Action No.: 2011-CP-10-8840

Frank Gordon, Jr., Individually and as Trustee
of the Dorothy S. Gordon (Deceased) Trust,

Respondent,

v.

Donald W. Lancaster,

Appellant.

**Motion to Consolidate Appeals
and for
Extension of Time To File Initial Brief and DOM**

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SEP 10 2014

SC Court of Appeals

173494

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Attorneys for the Appellant

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

COMES NOW the Appellant, Donald W. Lancaster ("Mr. Lancaster"), pursuant to Rules 214 and 240 of the South Carolina Appellate Court Rules, and respectfully requests this Court of Appeals to consolidate these two captioned matters. The basis for this motion is that these two cases involve the same parties and the same issues. The parties moved for consolidation in the Circuit Court, but the motion was not finally addressed at that level.

In addition, Mr. Lancaster, pursuant to Rule 240, SCACR, also respectfully requests this Court of Appeals to grant him a thirty-day (30) extension of time in which to file his Appellant's Initial Brief and Designation of Matter to be Included in the Record on Appeal (the "DOM") in this appellate matter. The basis for this motion is that Mr. Lancaster's appellate counsel is involved in other appellate and trial matters at this time and need the additional time in which to complete the Initial Brief and the DOM.

Based upon the current briefing schedule Mr. Lancaster's Initial Brief and DOM are currently due on or before Wednesday, 10 September 2014. Consequently, anticipating a favorable reception and subsequent grant of this extension motion, Mr. Lancaster's Initial Brief and DOM would then be due on Friday, 10 October 2014.

Finally, Mr. Lancaster respectfully requests this Court of Appeals to hold the briefing time in abeyance until such time as this joint motion may be considered and ruled upon.

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Respectfully submitted:

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By: 

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Charleston, South Carolina

8 September 2014

STATE OF SOUTH CAROLINA
IN THE
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Appeal from the Court of Common Pleas
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Honorable J. C. Nicholson, Jr., Circuit Judge
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Respondent,

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Honorable J. C. Nicholson, Jr., Circuit Judge
Civil Action No.: 2011-CP-10-8840

Frank Gordon, Jr., Individually and as Trustee
of the Dorothy S. Gordon (Deceased) Trust,

v.

Donald W. Lancaster,

Respondent,

Appellant.

**Proof of Service
for the
Motion to Consolidate Appeals
and for
Extension of Time To File Initial Brief and DOM**

Stephen P. Groves, Sr., Esquire
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Attorneys for the Appellant

I, Stephen P. Groves, Sr., Esquire, hereby certify that on 8 September 2014, I served a copy of the **Motion to Consolidate Appeals and for Extension of Time in which to File Initial Brief and DOM** submitted by the Appellant, Donald W. Lancaster, on counsel for the Respondent via the United States Mail, postage pre-paid, and addressed as follows:

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Stephanie L. Drawdy, Esquire
JUSTIN O'TOOLE LUCEY, P.A.
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Mount Pleasant, South Carolina 29201
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Attorneys for the Respondent

Signed: _____

Stephen P. Groves, Sr.

Charleston, South Carolina

8 September 2014

Stephen P. Groves, Sr.
Member
Admitted in SC

8 September 2014

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court Of Appeals
1015 Sumter Street
Columbia, South Carolina 29201

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SC Court of Appeals

Re: **Frank Gordon, Jr., Individually and as Trustee of the Dorothy S. Gordon (Deceased) Trust v Donald W. Lancaster**

Appeal from the Charleston County

Court of Common Pleas

Case Action No.: 2011-CP-10-8840

Appellate Case Tracking No.: **2014-001247**

NP File No.: 053211-00001

Frank Gordon, Jr., Individually and as Trustee of the Dorothy S. Gordon (Deceased) Trust v Donald W. Lancaster

Appeal from the Charleston County

Court of Common Pleas

Case Action No.: 2010-CP-10-9096

Appellate Case Tracking No.: **2014-001763**

NP File No.: 053211-00001

Charleston

Charlotte

Columbia

Greensboro

Greenville

Hilton Head

Myrtle Beach

Raleigh

Dear Ms. Kitchings:

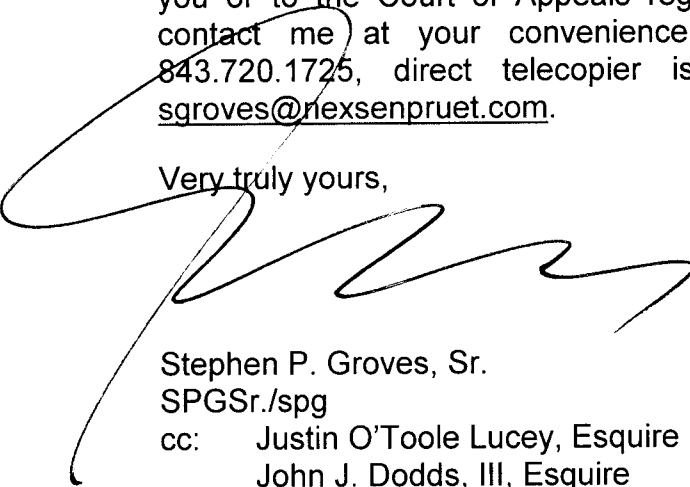
Enclosed please find the original and seven copies of a **Motion to Consolidate Appeals and for Extension of Time** in the two above-referenced matters. I also enclose a **Proof of Service** indicating service of the **Motion to Consolidate Appeals and for Extension of Time** and the **Proof of Service** upon counsel for the Respondent. Finally, I enclose our firm check in the amount of \$25.00 as payment for the filing fee.

I would greatly appreciate you filing the **Motion to Consolidate Appeals and for Extension of Time** and the **Proof of Service** with the Court of Appeals and returning a date stamped copy of each to my attention in the enclosed self-addresses, stamped envelope.

**Honorable Jenny Abbott Kitchings
Clerk of Court
8 September 2014
Page 2 of 2**

If you need anything else or I otherwise may be of any assistance to you or to the Court of Appeals regarding this matter, please feel free to contact me at your convenience. My direct telephone number is 843.720.1725, direct telecopier is 843.414.8206, and the e-mail is sgroves@nexsenpruet.com.

Very truly yours,



Stephen P. Groves, Sr.
SPGSr./spg
cc: Justin O'Toole Lucey, Esquire
John J. Dodds, III, Esquire
Mr. Donald Lancaster

NPCHAR1:1347273.1-LT-(SPG) 053211-00001