

(a)

73470

RECEIVED  
SEP 08 2014  
SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM HORRY COUNTY  
Court of Common Pleas

William H. Seals, Presiding Court Judge

Trial Court Case No. 2013-CP-26-5009

City of Myrtle Beach.....Respondent,

v.

KNS Foundation, LLC, d/b/a Elite.....Appellant.

RESPONDENT CITY OF MYRTLE BEACH'S MOTION  
FOR EXTENSION OF TIME TO FILE FINAL BRIEF

Michael W. Battle, SC Bar # 00584  
Battle Law Firm, LLC  
PO Box 530  
Conway, SC 29528  
T: 843-248-4321  
mbattle@battlelawsc.com

Attorneys for Respondent City of  
Myrtle Beach

September 8, 2014

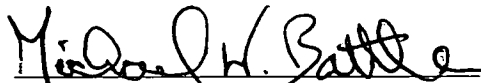
The Respondent City of Myrtle Beach, pursuant to Rule 234(b), SCACR, moves the court to extend the time for filing the final brief of respondent by thirty (30) days. In support of the motion, the respondent shows the following to the court:

1. On August 20, 2014, respondent received a copy of the Record on Appeal. Respondent's final brief is due on or about September 9, 2014. Respondent discovered that the Record on Appeal did not contain certain documents which the Respondent had designated in its Designation of Matter to Be Included in the Record on Appeal.

2. Counsel for the Respondent moved to supplement the record on appeal on August 21, 2014. On September 4, 2014, Counsel for the Respondent received Appellant's memorandum opposition to the motion to supplement the record.

3. Counsel for the Respondent has not received an order in connection with its Motion to Supplement the Record from the Court of Appeals. Respondent's brief contains references to matters that would be contained in the Supplement to the Record. Respondent's Counsel is now unable to file its final brief with proper cites to the record because it does not have a decision from the Court of Appeals on what is to be included in the record on appeal.

WHEREFORE, the appellant respectfully submits that good cause exists for the court to extend the time for filing the final brief of respondent by thirty (30) days, which, with the extension, would allow the appellant through and including October 9, 2014, to file and serve the final brief.



Michael W. Battle, SC Bar # 00584  
Battle Law Firm LLC  
PO Box 530  
Conway, SC 29528  
(843) 248-4321

September 8, 2014

Attorneys for City of Respondent City of Myrtle Beach

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

RECEIVED  
SEP 08 2014  
SC Court of Appeals

APPEAL FROM HORRY COUNTY  
Court of Common Pleas

William H. Seals, Presiding Court Judge

Trial Court Case No. 2013-CP-26-5009

City of Myrtle Beach.....*Respondents,*

v.

KNS Foundation, LLC, d/b/a Elite.....*Appellant.*

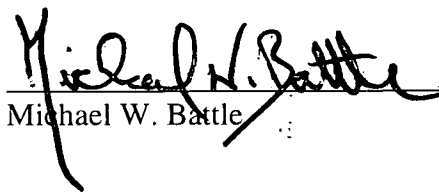
PROOF OF SERVICE

Michael W. Battle certifies that he is a an Attorney with Battle Law Firm, LLC, attorneys for Respondent City of Myrtle Beach and that he has caused to be mailed Respondent City of Myrtle Beach's Motion to Extend to the addressees shown this 8<sup>th</sup> day of September, 2014, with proper postage attached thereto.

Howell V. Bellamy, III  
Bellamy Law Firm  
PO Box 357  
Myrtle Beach, SC 29578  
*Attorney for Plaintiff*

John M. Leiter  
1203 48<sup>th</sup> Ave. North, Suite 109  
Myrtle Beach, SC 29577  
*Attorney for Plaintiff*

Armand G. Derfner  
PO Box 600  
Charleston, SC 29402  
*Attorney for Plaintiff*

  
Michael W. Battle

**BATTLE LAW FIRM, LLC**  
ATTORNEYS AND COUNSELORS AT LAW  
1200 MAIN STREET  
POST OFFICE BOX 530  
CONWAY, SOUTH CAROLINA 29528  
TELEPHONE (843) 248-4321  
FACSIMILE (843) 248-4512  
www.battlelawfirm.com

**RECEIVED**  
SEP 08 2014  
SC Court of Appeals

MICHAEL W. BATTLE  
E-Mail Address: [mbattle@battlelawsc.com](mailto:mbattle@battlelawsc.com)  
JAMES R. BATTLE, II  
E-Mail Address: [jbattle@battlelawsc.com](mailto:jbattle@battlelawsc.com)

M. KIRK BATTLE  
E-Mail Address: [kbattle@battlelawsc.com](mailto:kbattle@battlelawsc.com)

September 8, 2014

The Honorable Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
Post Office Box 116929  
Columbia, SC 29211

RE: K & S Foundation, LLC d/b/a Elite v. City of Myrtle Beach  
Appellate Case No.: 2013-002793

Dear Ms. Kitchings:

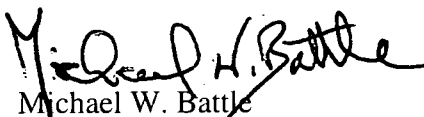
Enclosed is an original and six copies of Respondent City of Myrtle Beach's motion for a thirty (30) day extension in which to file Respondent's Final Brief in the above-referenced case. I am enclosing the required filing fee in the amount of \$25.00 to cover the cost for this request. The grounds for the motion are stated in the body of the motion.

Also enclosed is the Respondent's Response to Appellant's Motion to Vacate and Remand.

By copy of this letter I am serving the attorneys for the Appellant with copies of the motions.

Thank you for your attention to this matter.

Very truly yours,

  
Michael W. Battle

Enclosure: Stated

C: Howell Bellamy, III, John M. Leiter and Armand Derfner  
Tom Ellenburg