

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
COURT OF COMMON PLEAS
The Honorable J. C. Nicholson, Jr.

RECEIVED

NOV 07 2014

SC Court of Appeals

M4088

Case No. 2013-CP-10-000893
Appellate Case No. 2014-001890

Shannon C. McGrath, and The
Shannon C. McGrath 2005 Trust,

Respondents,

v.

Thomas J. McGrath, TD Ameritrade, Inc.,
E*Trade Securities, LLC and E*Trade
Clearing, LLC,

Defendants,

Of whom TD Ameritrade, Inc. is the

Appellant.

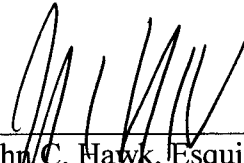
**CONSENT MOTION FOR SECOND EXTENSION OF TIME FOR APPELLANT
TO FILE INITIAL BRIEF AND DESIGNATION OF MATTER**

Appellant hereby moves for a fifteen day extension of time in which to file and serve Appellant's Initial Brief and Designation of Matter. Respondents have consented to this request. The Court of Appeals, by Order dated October 23, 2014, previously extended this deadline to November 10, 2014. Appellants now request that the deadline be extended to November 25, 2014, for the reasons set forth below.

This is an appeal of the Circuit Court's Order on TD Ameritrade's Motion to Dismiss and Compel Arbitration, in which Judge Nicholson compelled arbitration as to certain causes of action but declined to compel arbitration as to others. After Appellant filed its Notice of Appeal, the parties (with the exception of Thomas J. McGrath) agreed

to submit all claims to arbitration. Assuming the parties are permitted to stay the case and go forward with arbitration, Appellants intend to dismiss the appeal. At this time, the parties are waiting for the Circuit Court to issue an Order of Stay Pending Arbitration. Once entered, Appellants anticipate filing a Consent Dismissal of Appeal. Appellants request this extension in order to give the Circuit Court adequate time to enter the Order to Stay Pending Arbitration.

Respectfully submitted,



John C. Hawk, Esquire, SC Bar: 74786

jhawk@wcsr.com

Robert R. Ambler, Jr., admitted *pro hac vice*

rambler@wcsr.com

Womble Carlyle Sandridge & Rice, LLP

Five Exchange Street, P.O. Box 999

Charleston, SC 29402

(843) 722-3400

Attorneys for Appellant

November 6, 2014

Other counsel of Record:

Brian C. Duffy, Esq.

Julie L. Moore, Esq.

Duffy & Young, LLC

96 Broad Street

Charleston, SC 29401

Phone: (843) 720-2044

Attorneys for Respondents Shannon C. McGrath and

The Shannon C. McGrath 2005 Trust

Susan T. Wall, Esq.

Amanda C. Williams, Esq.

McNair Law Firm, P.A.

P.O. Box 1431

Charleston, SC 29402
Phone: (843) 723-7831
Attorneys for Respondent Thomas J. McGrath

Charles Harmon Crawford III, Esq.
Green Traurig, LLP
3333 Piedmont Road, N.E., Suite 2500
Terminus 200
Atlanta, GA 30305
Phone: (678) 553-2100

and

Kurt A. Kappes, Esq.
Greenberg Traurig, LLP
1201 K Street, Suite 1100
Sacramento, CA 95814
Phone: (916) 442-1111
*Attorneys for Respondents E*Trade Clearing, LLC
and E*Trade Securities, LLC*

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
COURT OF COMMON PLEAS
The Honorable J. C. Nicholson, Jr.

Case No. 2013-CP-10-000893
Appellate Case No. 2014-001890

Shannon C. McGrath, and The
Shannon C. McGrath 2005 Trust,

Respondents,

v.

Thomas J. McGrath, TD Ameritrade, Inc.,
E*Trade Securities, LLC and E*Trade
Clearing, LLC,

Defendants,

Of whom TD Ameritrade, Inc. is the

Appellant.

PROOF OF SERVICE

I do hereby certify that on November 6, 2014 I served the Consent Motion for Second Extension of Time for Appellant to File Initial Brief and Designation of Matter on Respondents by depositing a copy of it in the United States Mail, postage prepaid, to:

Brian C. Duffy, Esq.
Julie L. Moore, Esq.
Duffy & Young, LLC
96 Broad Street
Charleston, SC 29401
*Attorneys for Respondents Shannon C. McGrath
and The Shannon C. McGrath 2005 Trust*

Susan T. Wall, Esq.
Amanda C. Williams, Esq.
McNair Law Firm, P.A.
P.O. Box 1431
Charleston, SC 29402
Attorneys for Respondent Thomas J. McGrath

RECEIVED

NOV 07 2014

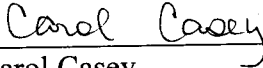
SC Court of Appeals

Charles Harmon Crawford III, Esq.
Green Traurig, LLP
3333 Piedmont Road, N.E., Suite 2500
Terminus 200
Atlanta, GA 30305

and

Kurt A. Kappes, Esq.
Greenberg Traurig, LLP
1201 K Street, Suite 1100
Sacramento, CA 95814
*Attorneys for Respondents E*Trade Clearing, LLC
and E*Trade Securities, LLC*

WOMBLE CARLYLE SANDRIDGE &
RICE, LLP



Carol Casey
Paralegal