

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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SC Court of Appeals

174228

APPEAL FROM ORANGEBURG COUNTY
Court of Common Pleas

James B. Jackson, Jr., Special Circuit Judge

Common Pleas Case Nos. 2007-CP-38-196 & 2007-CP-38-201
Appellate Case No. 2014-001634

First Citizens Bank and Trust Company,.....Appellant/Respondent,

v.

Clyde B. Livingston; Technico Marketing & Distribution, Inc.; B. Livingston and Charlotte V. Livingston; American First Federal Inc.; Citibank South Dakota, N.A.; Branch Banking and Trust Company of South Carolina; G&G Rentals; Miller Communications, Inc.; and Wells Fargo Bank, N.A., Defendants,

Of Clyde B. Livingston is the.....Respondent/Appellant.

And

First Citizens Bank and Trust Company,.....Appellant/Respondent,

v.

Clyde B. Livingston; American First Federal Inc.; Citibank South Dakota, N.A.; Branch Banking and Trust Company of South Carolina; G&G Rentals; Miller Communications, Inc.; and Wells Fargo Bank, N.A., Defendants,

Of Clyde B. Livingston is the.....Respondent/Appellant.

MOTION FOR EXTENSION OF TIME TO SERVE AND FILE
RESPONDENT/APPELLANT'S INITIAL (APPELLANT'S) BRIEF AND
DESIGNATION OF MATTER TO BE INCLUDED IN RECORD ON APPEAL


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

Respondent/Appellant hereby moves pursuant to Rule 263(b), SCACR, for a 30-day extension of the time in which to serve and file Respondent/Appellant's Initial (Appellant's) Brief and Designation of Matter to be Included in the Record on Appeal 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 deadline for service and filing of Respondent/Appellant's Initial (Appellant's) Brief and Designation of Matter to be Included in the Record on Appeal is currently November 26, 2014.
2. This is the first extension that Respondent/Appellant has sought in this appeal.
3. Appellant/Respondent's counsel has consented to this extension.
4. Respondent/Appellant's counsel has a brief due in a case pending before the Supreme Court of South Carolina on November 24, 2014, and he does not believe he will have time to complete that brief and this one by the current deadline in this appeal.
5. Respondent/Appellant's counsel believes there is good cause to grant the requested 30-day extension to December 29, 2014 (the first day after December 25 that is not a state holiday or weekend day).

WHEREFORE Respondent/Appellant prays for an Order extending the time in which to serve and file Respondent/Appellant's Initial (Appellant's) Brief and Designation of Matter to be Included in the Record on Appeal by thirty days.

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 Respondent/Appellant

November 20, 2014

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And

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Communications, Inc.; and Wells Fargo Bank, N.A., Defendants,

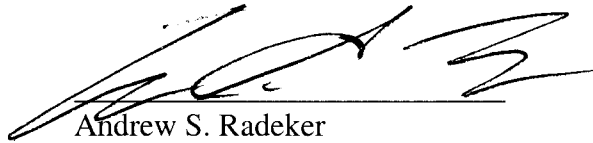
Of Clyde B. Livingston is the.....Respondent/Appellant.

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:

Erik T. Norton, Esq.
Nelson Mullins Riley & Scarborough LLP
P.O. Box 11070
Columbia, SC 29201

November 20, 2014

A handwritten signature in black ink, appearing to read 'A. S. Radeker', 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 Respondent/Appellant

LAW OFFICES
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923 CALHOUN STREET
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James C. Harrison, Jr.*
Andrew S. Radeker
Taylor M. Smith IV

* Mediator/Arbitrator

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(803) 779-2211
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November 20, 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

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SC Court of Appeals

Re: First Citizens Bank, etc. v. Clyde B. Livingston, et al.
Common Pleas Case Nos.: 2007-CP-38-196 & -201
Appellate Case No. 2014-001634

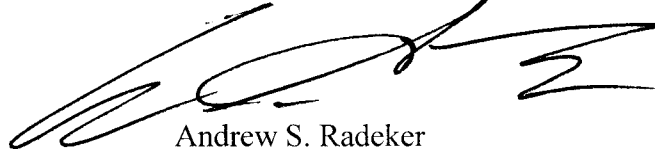
Dear Ms. Kitchings:

Enclosed herewith for filing in the above-referenced case are an original and seven copies of a motion for extension of time, with attached proof of service thereof. Also enclosed is this firm's check in the amount of \$25.00 as the motion fee.

Kindly file these documents and return a file-stamped copy thereof to the bearer of this letter. 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: Erik T. Norton, Esq.