

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

**RECEIVED**

NOV 26 2014

APPEAL FROM ORANGEBURG COUNTY  
Court of Common Pleas

**SC Court of Appeals**

Edgar W. Dickson, Circuit Court Judge

74307

Case No. 2011-CP-38-00853

Directory Assistants, Inc., ..... Appellant,

v.

Dennis Shay d/b/a Marsch Chiropractic Center, ..... Respondent.

**MOTION FOR EXTENSION**

Pursuant to Rule 240, SCACR, the respondent requests a 30-day extension of the deadline for filing and serving his initial brief and designation of matter in this case. The current deadline is November 25, 2014. This is the third extension request for this deadline.

Respondent's counsel proffers the following grounds as good cause for this request:

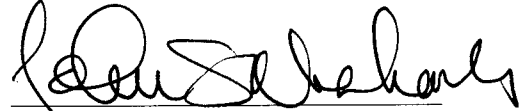
1. Respondent's counsel is lead counsel in the case *Bradacs v. Haley*, Civil Action No.: 3:13-cv-02351-JMC (Hon. J. Michelle Childs). On November 7, 2014, Judge Childs entered an expedited scheduling order in the case. Counsel responded to defendants' Motion for Judgment on the Pleadings in the case, and prepared an extensive cross-motion for summary judgment pursuant to the scheduling order. Further, counsel researched and drafted a response to a motion to intervene by a third party in the case. Judge Childs rendered judgment in the matter on November 18, 2014, requiring counsel's time to advise the clients in the matter.

2. Respondent's counsel represents the Honorable Irvin Condon in the matter of *Wilson v. Condon*, Order (S.C. Sup. Ct. filed Oct. 9, 2014) (Appellate Case No. 2014-002121). The matter was expedited and counsel had to prepare a response on October 8, 2014, and advise his client regarding the response and the ruling on October 9, 2014. Counsel also requested the Court amend its order after a related case was filed in the Charleston division (*Condon v. Haley*, referenced below). Following the November 18, 2014, decision in *Bradacs v. Haley*, counsel had to advise Judge Condon how to proceed under the Supreme Court's order in *Wilson v. Condon*.
3. Respondent's counsel represents Judge Condon in *Condon v. Haley, Wilson & Condon*, 2014-CV-4010-RMG (Hon. Richard M. Gergel). The case was filed October 13, 2014, and plaintiffs immediately filed for summary judgment. Judge Gergel expedited all proceedings and issued his judgment on November 12, 2014. No extensions of any of the truncated deadlines was permitted. The matter required extensive briefing and responses to filings in the case.
4. Respondent's counsel has also been dealing with a family health emergency requiring trips to Aiken Regional Medical Center and to Williston, South Carolina.
5. Respondent's counsel consulted with counsel for appellant, who has consented to this request.

Accordingly, Respondent requests that the Court find good cause for extending the deadline to file the Initial Brief of Respondent and designation of matter to be included in the Record on Appeal.

November 26, 2014

Respectfully Submitted,



John S. Nichols, SC Bar # 4210

Blake A. Hewitt, SC Bar # 73674

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Attorneys for Respondent

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**PROOF OF SERVICE**

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The undersigned hereby certifies that on the date indicated below she served counsel for the Appellant with a copy of the *Motion for Extension* by mailing copies of the same by United States Mail with first class postage prepaid to the following address:

Michael J. Anzelmo, Esquire  
D. Lawrence Kristinik, III, Esquire  
Matthew A. Abee, Esquire  
Nelson Mullins Riley & Scarborough, LLP  
P.O. Box 11070  
Columbia, SC 29211



November 26, 2014

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Erin Bridges  
BLUESTEIN, NICHOLS,  
THOMPSON & DELGADO, LLC



BLUESTEIN · NICHOLS · THOMPSON · DELGADO LLC  
ATTORNEYS AT LAW

November 26, 2014

**VIA HAND DELIVERY**

Honorable Jenny Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

RE: Directory Assistants, Inc. v. Dennis Shay  
Case Tracking No.: 2014-000459

Dear Ms. Kitchings:

Please find enclosed for filing the original and seven (7) copies of a *Motion for Extension* in reference to the above matter. I have also enclosed a proof of service of this document on counsel for the Appellant and a \$25.00 check for filing this motion. Please return the additional filed copy to me via our courier.

Thank you for your attention to this matter. If you need any additional information, please do not hesitate to contact me.

Sincerely,

Erin Bridges  
Paralegal John S. Nichols  
BLUESTEIN, NICHOLS, THOMPSON &  
DELGADO, LLC

/emb

Enclosures

cc: Michael J. Anzelmo, Esquire  
D. Lawrence Kristinik, III, Esquire  
Matthew A. Abee, Esquire  
David Maxfield, Esquire (via electronic mail)