

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Stephanie P. McDonald, Circuit Judge for The Ninth Circuit

Case No. 2013-000407

Alan Sheppard

Appellant,

v.

William O. Higgins, Lynn McCants,
Ronald C. Owens, Russell Bennett,
Charles P. Darby, and Kiawah Resort
Associates, LP,

Respondents.

**RESPONDENTS' RONALD C. OWENS, RUSSELL BENNETT, CHARLES P. DARBY,
AND KIAWAH RESORT ASSOCIATES, LP'S MOTION FOR EXTENSION OF TIME**

Ellis R. Lesemann
Lesemann & Barks LLC
80 Alexander Street, Second Floor
Charleston, South Carolina 29403
(843) 724-5155

December 1, 2014

COME NOW Respondents Ronald C. Owens, Russell Bennett, Charles P. Darby, and Kiawah Resort Associates, LP ("Respondents"), and hereby request a seven (7) day extension of time to file their Return to Appellant's Petition for Rehearing in the above-captioned appeal. Respondents' Return to Appellant's Petition for Rehearing is currently due on December 1, 2014. With the extension of time requested herein, Respondents' Return will be due on Monday, December 8, 2014. As grounds for this Motion, Respondents state as follows:


1. Appellant's Petition for Rehearing indicates that it was served on counsel for Respondents' on November 20, 2014. Pursuant to Rule 240(e) of the South Carolina Appellate Court Rules, any party opposing a motion or petition shall have ten (10) days from the date of service thereof to file a return to a petition or motion for rehearing. This Court may in its discretion enlarge or limit the time for filing the return to a petition or motion for rehearing. *Id.* According to Rule 240(e), Respondents' Return to Appellant's Petition of Rehearing is due December 1, 2014.

2. Appellant's Petition for Rehearing was not received by counsel for Respondents until November 25, 2014. Due to inadvertence and travel to Alexandria, Virginia during the Thanksgiving Holiday, the undersigned counsel was not aware of Appellant's Petition until November 30, 2014. As a result, counsel and Respondents have not had sufficient time to prepare the Return to Appellant's Petition for Rehearing.

3. The deadline for Respondents' Return to Appellant's Petition for Rehearing has not previously been extended. Furthermore, counsel for Appellant has consented to the extension of time for Respondents to file their Return to Appellant's Petition for Rehearing.

THEREFORE, Respondents respectfully request an extension of time to Monday, December 8, 2014, for Respondents to file the Return to Appellant's Petition for Rehearing.

Respectfully submitted,

By: 

Ellis R. Lesemann
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**Attorneys for Respondents Ronald C. Owens,
Russell Bennett, Charles P. Darby, and Kiawah
Resort Associates, LP**

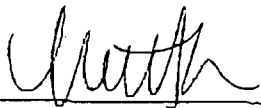
December 1, 2014
Charleston, South Carolina

CERTIFICATE OF SERVICE

I hereby certify that I have this date, mailed, postage prepaid, a true and correct copy of the Respondents' Ronald C. Owens, Russell Bennett, Charles P. Darby, and Kiawah Resort Associates, LP's Motion for Extension of Time to the following counsel of record:

Mark W. Hardee
Hardee Law Firm
2231 Devine Street, Suite 202
Columbia, South Carolina 29205
Attorney for Appellant

By: _____


Michelle A. Matthews

This 1st day of December, 2014
Charleston, South Carolina

LESEMANN & BARKS LLC

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OFFICES
CHARLESTON, SOUTH CAROLINA
ALEXANDRIA, VIRGINIA

December 1, 2014

VIA FACSIMILE AND US MAIL

The Honorable Jenny Abbott Kitchings
Clerk of Court of SC Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Re: *Alan Sheppard v. Russell Bennett, Ronald C. Owens, Charles P. Darby, and
Kiawah Resort Associates, LP*
Case No.: 2013-000407

Dear Ms. Kitchings:

Enclosed for filing please find the original and six (6) copies of Respondents' Ronald C. Owens, Russell Bennett, Charles P. Darby, and Kiawah Resort Associates, LP's Motion for Extension of Time in connection with the above-referenced appeal.

Also enclosed is this firm's check made payable to the South Carolina Court of Appeals Clerk of Court in the amount of Twenty Five and No/100 Dollars (\$25.00) representing the applicable filing fee. Please file the original of this pleading with the Court and return a file-stamped copy to me in the self-addressed, stamped envelope provided.

Thank you for your assistance with this matter.

With best regards,



Ellis R. Lesemann

ERL/mam
Enclosures

cc: Mark W. Hardee, Esq. (via US Mail and electronic mail)

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ALEXANDRIA, VIRGINIA

To: Clerk of Court Fax/Email: 803-734-1496

From: Ellis R. Lesemann, Esq. Date: December 1, 2014

Re: Sheppard v. Kiawah Resort Associates, LP, et al. Pages: 6 (including coversheet)

Case No.: 2013-000407

CC:

Urgent For Review Please Comment Please Reply Per Your Request

Notes:

Respondents' Ronald C. Owens, Russell Bennett, Charles P. Darby, and Kiawah Resort Associates, LP's Motion for Extension of Time

RECEIPT OF FAX ACKNOWLEDGED _____ (RECIPIENTS INITIAL), PLEASE RETURN VIA FAX TO SENDER.

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