



THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM ORANGEBURG COUNTY  
Court of Common Pleas

James B. Jackson, Jr., Special Circuit Court Judge

Case No. 2007-CP-38-00196 and 2007-CP-38-0201  
Appellate Case No. 2014-001634

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**SC Court of Appeals**

74529

First Citizens Bank and Trust Company, Inc., ..... 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 Bank and Trust Company of South  
Carolina, G&G Rentals, Miler Communications, Wells  
Fargo Bank, N.A.,.....

Defendants,

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

And

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

v.

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

Defendants,

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

**APPELLANT/RESPONDENT'S MOTION FOR EXTENSION**

Pursuant to Rules 208 and 240 of the South Carolina Appellate Court Rules,  
Appellant/Respondent First Citizens Bank and Trust Company, Inc. ("First Citizens")

28 Jan 2015 / 29 Dec 2014

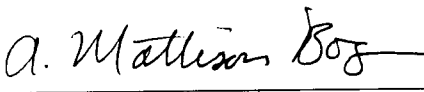
hereby requests a thirty (30) day extension of time to file its Initial Appellant's Brief and Designation of Matter to be included in the Record on Appeal.

Undersigned counsel seeks this extension of time in light of holiday travel plans and other now existing deadlines in other appellate and trial matters. This is the second requested extension of time in this appeal for undersigned. Opposing counsel consents to this extension request. (*See Attachment.*)

The current due date for First Citizens' Initial Appellant's Brief and Designation is December 29, 2014. With the thirty day extension, First Citizens' brief and designation would be due on January 28, 2015. First Citizens requests that the current deadline be held in abeyance until this Court issues an order on this motion.

Respectfully submitted,

**NELSON MULLINS RILEY & SCARBOROUGH LLP**

By: 

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A. Mattison Bogan, SC Bar No. 72629  
E-mail: matt.bogan@nelsonmullins.com  
Erik T. Norton, SC Bar No. 78360  
E-Mail: erik.norton@nelsonmullins.com  
Tara C. Sullivan, SC Bar No. 79806  
E-Mail: tara.sullivan@nelsonmullins.com  
1320 Main Street / 17th Floor  
Post Office Box 11070 (29211-1070)  
Columbia, SC 29201  
(803) 799-2000

Attorneys for Appellant/Respondent First Citizens  
Bank and Trust Company, Inc.

Columbia, South Carolina  
December 19, 2014

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In The Court of Appeals

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APPEAL FROM ORANGEBURG COUNTY  
Court of Common Pleas

**SC Court of Appeals**

James B. Jackson, Jr., Special Circuit Court Judge

Case Nos. 2007-CP-38-0196 and Case No. 2007-CP-38-0201  
Appellate Case No. 2014-001634

First Citizens Bank and Trust Company, Inc., ..... 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 Bank and Trust Company of South  
Carolina, G&G Rentals, Miler Communications, Wells  
Fargo Bank, N.A., ..... Defendants,

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

And

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

v.

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

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

**PROOF OF SERVICE**


I, the undersigned Administrative Assistant of the law offices of Nelson Mullins  
Riley & Scarborough LLP, attorneys for Appellant/Respondent, do hereby certify that I  
have served all counsel in this action with a copy of the document(s) hereinbelow

specified by mailing a copy of the same by United States Mail, postage prepaid, to the following address(es):

Document(s): Appellant/Respondent's Motion for Extension

Counsel Served:

Andrew S. Radeker, Esquire  
Harrison & Radeker, P.A.  
PO Box 50143  
Columbia, SC 29250

  
\_\_\_\_\_  
Lisa P. Whitehurst

December 19, 2014

# Nelson Mullins

## Nelson Mullins Riley & Scarborough LLP

Attorneys and Counselors at Law  
1320 Main Street / 17th Floor / Columbia, SC 29201  
Tel: 803.799.2000 Fax: 803.255.5916  
www.nelsonmullins.com

A. Mattison Bogan  
Tel: 803.255.9589  
Fax: 803.255.5916  
matt.bogan@nelsonmullins.com

December 19, 2014

The Honorable Jenny Abbott Kitchings  
Clerk of Court  
SC Court of Appeals  
1015 Sumter Street - 5th Floor  
Columbia, SC 29201

RE: First Citizens Bank v. Clyde Livingston  
Appellate Case No. 2014-001634  
Our File No. 00689/01777

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**SC Court of Appeals**

Dear Ms. Kitchings:

Enclosed please find the original and seven copies of Appellant/Respondent's Motion for Extension in regard to the above-referenced matter. We would ask that you file the original and return a clocked-in copy to us via our courier. Also enclosed is our check in the amount of \$25.00 as the required filing fee.

By copy of this letter to counsel of record, we are serving them with a copy of this motion.

Very truly yours,



A. Mattison Bogan

AMB:lpw  
Enclosures  
cc: Andrew S. Radeker, Esquire

**Lisa Whitehurst**

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**From:** Matt Bogan  
**Sent:** Thursday, December 18, 2014 11:12 AM  
**To:** Lisa Whitehurst  
**Subject:** FW: First Citizens v. Livingston

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**SC Court of Appeals**

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**From:** Drew Radeker [<mailto:Drew@harrisonfirm.com>]  
**Sent:** Thursday, December 18, 2014 10:03 AM  
**To:** Erik Norton  
**Subject:** RE: First Citizens v. Livingston

Sure. Works for me.

Drew Radeker

**HARRISON & RADEKER, P.A.**

ATTORNEYS AT LAW

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923 Calhoun Street, Columbia, South Carolina 29201  
Post Office Box 50143, Columbia, South Carolina 29250  
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**From:** Erik Norton [<mailto:Erik.Norton@nelsonmullins.com>]  
**Sent:** Wednesday, December 17, 2014 10:07 AM  
**To:** Drew Radeker  
**Subject:** RE: First Citizens v. Livingston

You want to go ahead and ask for next extension til 1/30? We can do it as consent for both parties.

Best regards,

Erik  
803.255.9552

---

**From:** Drew Radeker [<mailto:Drew@harrisonfirm.com>]  
**Sent:** Thursday, November 06, 2014 10:32 AM  
**To:** Erik Norton  
**Subject:** RE: First Citizens v. Livingston

Will give you a call in about that long from now.

Thanks.

Drew Radeker

**HARRISON & RADEKER, P.A.**

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**From:** Erik Norton [<mailto:Erik.Norton@nelsonmullins.com>]

**Sent:** Thursday, November 06, 2014 10:29 AM

**To:** Drew Radeker

**Subject:** RE: First Citizens v. Livingston

I hear you. You have 5 mins to discuss?

---

**From:** Drew Radeker [<mailto:Drew@harrisonfirm.com>]

**Sent:** Thursday, November 06, 2014 10:18 AM

**To:** Erik Norton

**Subject:** RE: First Citizens v. Livingston

Yeah, let me go ahead and ask for your consent on an extension as well. I see two other appellate briefing deadlines around this time.

You want to just go ahead and make a joint motion to extend both of our deadlines to say, January 16? Let's be real. 30-day extensions for us will put the deadlines smack in the midst of Christmas. We'll just be running back to court for another extension.

Let me know what you think about it.

Drew Radeker

**HARRISON & RADEKER, P.A.**

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