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S.C. Supreme Court

THE STATE OF SOUTH CAROLINA
In The Supreme Court

ON WRIT OF CERTIORARI TO THE COURT OF APPEALS

APPEAL FROM ORANGEBURG COUNTY
Court of Common Pleas

O. Davie Burgdorf, Master-in-Equity

Appellate Case No. 2013-001505

In re: Estate of Atn Burns Livingston.

Emma Lou Livingston Martin as Personal Representative
of the Estate of Atn Burns Livingston and
Emma Lou Livingston Martin,.....Respondents,

v.

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

Of whom Clyde B. Livingston is.....Petitioner.

MOTION FOR EXTENSION OF TIME TO SERVE AND FILE
PETITIONER'S REPLY BRIEF

Andrew S. Radeker
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Post Office Box 50143
Columbia, South Carolina 29250
(803) 779-2211
Attorney for Petitioner


The Petitioner hereby moves pursuant to Rule 263(b), SCACR, for a 10-day extension of the time in which to serve and file the Petitioner's reply brief 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 the reply brief is currently today, January 2, 2015.
2. Between other work and holiday commitments, the undersigned has not yet been able to complete the reply brief.
3. Petitioner's counsel has a day certain trial set for next week starting on Monday and a non-jury trial on this coming Thursday, January 8, 2015.
4. The Petitioner seeks an extension of this deadline through January 12, 2015, in order to give his counsel time to complete the brief. If it were not for the upcoming trials next week, the undersigned would be seeking an extension of less time than this or perhaps none at all.
5. This is the first and only extension that the Petitioner has sought in this appeal, and Petitioner's counsel does not anticipate seeking another extension.
6. Petitioner's counsel believes there is good cause to grant the requested extension to January 12, 2015.

7. The undersigned apologizes for making this motion on the date of the deadline. He believed previously that he would have the reply brief finished by now, but that is no longer realistic.

WHEREFORE the Petitioner prays for an Order extending the time in which to serve and file the Petitioner's reply brief until January 12, 2015.

Respectfully submitted,



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January 2, 2015

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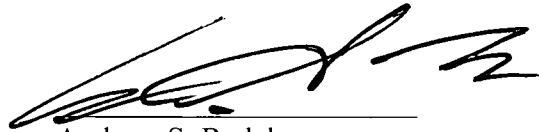
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PROOF OF SERVICE

I certify that I served the foregoing motion for extension on counsel for the Respondents by depositing a copy of it on the date shown below in the United States Mail, postage prepaid, addressed as follows:

Richard B. Ness, Esq.
Ness & Jett, LLC
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January 2, 2015