

74721

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BERKELEY COUNTY
Court of Common Pleas

J. C. Nicholson, Jr., Circuit Court Judge

RECEIVED

JAN 09 2015

SC Court of Appeals

Trial Case No.'s 2009-CP-08-1068, 2009-CP-08-3916,
2009-CP-08-1413, 2008-CP-08-2714
Appellate Case No. 2014-002390

THE OAKS AT RIVERS EDGE PROPERTY OWNERS ASSOCIATION, INC., JOHN E. ATKINSON, JOAN D. STRANDQUIST, JOSEPH E. CHIOVAROU, JR., PEYTON H. COOK, JR., BRENDA COOK, JOHN W. EDELEN, KAREN A. NELSON, ROBERT J. GRAHAM, MAUREEN S. GRAHAM, NANCY K. JOHNSON as trustee for the Nancy K. Johnson Revocable Trust, WILLIAM JUNG, CHARLES MARAZITI, PATRICIA MARAZITI, GEORGE S. POLLARD, ELEANOR J. POLLARD, ROBERT REECE, GERARD M. RUVO AND SUE S. RUVO as trustees for the Ruvo 2006 Living Trust, CAROLYN M. JENNINGS, THOMAS EDWARD KEANE, EDWARD WALLACE BARR, III, RICHARD B. PEKRUHN, PAULINE PEKRUHN, MATTHEW J. SEVERANCE, and ELIZABETH ASHLEY PHILLIPS SEVERANCE,

Respondents,

v.

DANIEL ISLAND RIVERSIDE DEVELOPERS, LLC, CARRIAGE HILL ASSOCIATES OF CHARLESTON, LLC,

Appellants.

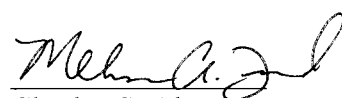
THIRD MOTION FOR EXTENSION OF TIME TO FILE INITIAL BRIEF AND
DESIGNATION OF MATTER FOR RECORD ON APPEAL

Counsel for Appellants, Daniel Island Riverside Developers, LLC, and Carriage Hill Associates of Charleston, LLC, (hereinafter "Appellants") respectfully move this Court to extend the time for filing Appellants' initial brief and designation of matter to be included in the record on appeal for the above-captioned

case pursuant to Rules 240, 263(b), and 267 of the South Carolina Appellate Court rules based on the following circumstances:

1. The Notice of Appeal was served on Friday, October 31, 2014. The Court granted an extension to file the initial briefs and designation of matters to be included in the record on appeal to December 31, 2014. A second extension was granted by the Court until January 30, 2015.
2. The senior attorney responsible for drafting the Appellant's brief and designation of material was called for jury duty and was selected to serve on a jury for a murder trial in Charleston County General Sessions for the week of January 5, 2015. The trial is ongoing and it is unclear whether it will be completed within a week. As a result, it is anticipated she will miss at least a full week of work, which is crucial to the time needed for drafting the Appellant's brief and designating the documents to be included in the record on appeal.
3. The senior attorney responsible for drafting the Appellant's brief and designation of material is also scheduled to argue in front of the United States Court of Appeals for the Fourth Circuit on Tuesday, January 27, 2015, and will be out of town due to the oral argument for two days.
4. The trial transcript consists of 4 separate volumes, totaling 1,044 pages, in addition to the transcript from the post-trial motion hearing of 62 pages. The orders being appealed consist of 43 pages.
5. Based on the extraordinary circumstances above, Appellants respectfully move for a third thirty-day extension to file their initial brief and designation of the matter to be included in the record on appeal by Monday, March 2, 2015.

Respectfully submitted,



Charles S. Altman
Meredith L. Coker
Melissa A. Fried
ALTMAN & COKER, LLC

January 8, 2015

575 King Street, Suite A
Charleston, SC 29403
T: (843) 853-9907
F: (843) 853-9838

Roy P. Maybank
Amanda Maybank
MAYBANK LAW FIRM, LLC
531 Savannah Highway
Post Office Box 12579
Charleston, South Carolina 29422
T: (843) 766-8101
F: (843) 766-8102
Attorneys for Appellants

Other Counsel of Record:

W. H. Bundy, Jr.
M. Brent McDonald
Post Office Box 1542
Mt. Pleasant, South Carolina 29465-1542
(843) 881-162
Attorneys for Respondents

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BERKELEY COUNTY
Court of Common Pleas

J. C. Nicholson, Jr., Circuit Court Judge

Trial Case No.'s 2009-CP-08-1068, 2009-CP-08-3916,
2009-CP-08-1413, 2008-CP-08-2714
Appellate Case No. 2014-002390

RECEIVED

JAN 09 2015

SC Court of Appeals

THE OAKS AT RIVERS EDGE PROPERTY OWNERS ASSOCIATION, INC., JOHN E. ATKINSON, JOAN D. STRANDQUIST, JOSEPH E. CHIOVAROU, JR., PEYTON H. COOK, JR., BRENDA COOK, JOHN W. EDELEN, KAREN A. NELSON, ROBERT J. GRAHAM, MAUREEN S. GRAHAM, NANCY K. JOHNSON as trustee for the Nancy K. Johnson Revocable Trust, WILLIAM JUNG, CHARLES MARAZITI, PATRICIA MARAZITI, GEORGE S. POLLARD, ELEANOR J. POLLARD, ROBERT REECE, GERARD M. RUVO AND SUE S. RUVO as trustees for the Ruvo 2006 Living Trust, CAROLYN M. JENNINGS, THOMAS EDWARD KEANE, EDWARD WALLACE BARR, III, RICHARD B. PEKRUHN, PAULINE PEKRUHN, MATTHEW J. SEVERANCE, and ELIZABETH ASHLEY PHILLIPS SEVERANCE,

Respondents,

v.

DANIEL ISLAND RIVERSIDE DEVELOPERS, LLC, CARRIAGE HILL ASSOCIATES OF CHARLESTON, LLC,


Appellants.

PROOF OF SERVICE

I certify that I have served the Third Motion for Extension of Time to File Initial Brief and Designation of Matter for Record on Appeal on Respondents by depositing a copy of it in the

United States Mail, postage prepaid, on January 8, 2015, addressed to its attorneys of record,
W.H. Bundy, Jr., Esquire, and M. Brent McDonald, Esquire, Smith, Bundy, Bybee & Barnett,
P.C., Post Office Box 1542, Mt. Pleasant, South Carolina 29465-1542.

January 8, 2015



Charles S. Altman
Meredith L. Coker
Melissa A. Fried
ALTMAN & COKER, LLC
575 King Street, Suite A
Charleston, SC 29403
T: (843) 853-9907
F: (843) 853-9838

Roy P. Maybank
Amanda Maybank
MAYBANK LAW FIRM, LLC
531 Savannah Highway
Post Office Box 12579
Charleston, South Carolina 29422
T: (843) 766-8101
F: (843) 766-8102

Attorneys for Appellants



Melissa A. Fried
mfried@altmancoker.com

January 8, 2015

VIA UPS DELIVERY

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
1015 Sumter Street
Columbia, South Carolina 29201

RE: The Oaks at Rivers Edge Proper Owners Association, et.al, Respondents, v. Daniel Island Riverside Developers, LLC, et. al, Appellants, Case No.'s 2009-CP-08-1068, 2009-CP-08-1413, 2008-CP-08-2714, 2009-CP-08-3916
Our File No.: 141-62999

Dear Ms. Kitchings:

Enclosed for filing are the following:

- (1) Third Motion for Extension of Time to File Initial Brief and Designation of Matter for Record on Appeal (1 original and 6 copies);
- (2) Proof of service of the Third Motion for Extension of Time to File Initial Brief and Designation of Matter for Record on Appeal on the respondents;
- (3) A filing fee of \$25.

Sincerely,

Charles S. Altman
Meredith L. Coker
Melissa A. Fried
ALTMAN & COKER, LLC
575 King Street, Suite A
Charleston, SC 29403
(843) 853-9907

RECEIVED

JAN 09 2015

AND

SC Court of Appeals

Roy P. Maybank
Amanda Maybank
MAYBANK LAW FIRM, LLC
531 Savannah Highway
Post Office Box 12579
Charleston, South Carolina 29422
T: (843) 766-8101
F: (843) 766-8102

Attorneys for Appellants

cc: W. H. Bundy, Jr.

M. Brent McDonald

Post Office Box 1542

Mt. Pleasant, South Carolina 29465-1542

(843) 881-1623

Attorneys for Respondents

https://www.ups.com/uis/create?ActionOriginPair=default PrintWindowPage&key=label... 1/8/2015

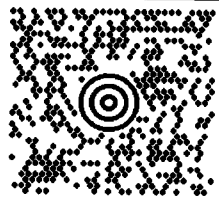
MELISSA CHENEY
843-853-9907
ALTMAN & COKER, LLC
575 KING STREET
CHARLESTON SC 29403

1.0 LBS LTR

1 OF 1

SHIP TO:

CLERK, SOUTH CAROLINA COURT APPEALS
THE HONORABLE JENNY ABBOTT KITCHING
1015 SUMTER STREET
COLUMBIA SC 29201-3726



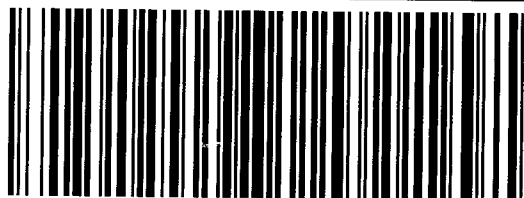
SC 292 9-01



UPS NEXT DAY AIR

TRACKING #: 1Z 25W R31 01 9813 1257

1



BILLING: P/P

Reference# 1: 62999

UIS 17.0.27. WNTNV50 57.0A 10/2014



RECEIVED

JAN 09 2015

SC Court of Appeals