

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GREENWOOD COUNTY
Court of Common Pleas

Eugene C. Griffith, Jr., Circuit Court Judge

Case No. 2011-CP-24-1340

74796

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JAN 20 2015

SC Court of Appeals

Vince Coates,Respondent,

v.

Dorothy Renee Simchon,Appellant.

MOTION TO EXTEND TIME

Appellant Dorothy Renee Simchon hereby moves, pursuant to Rule 263(b), SCACR, to extend the time within which the Appellant must file and serve her initial brief and designations of matter to include in the Record on Appeal. The current deadline is January 21, 2015, based on thirty days from the Appellant’s initial Notice of Appeal (no additional transcripts are needed for this appeal).

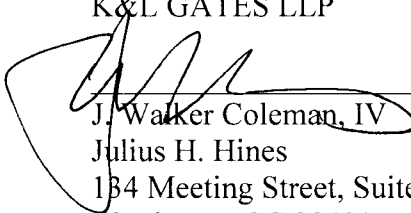
The grounds for this motion are that the Appellant anticipates filing an appeal in the case of *Bay Island Sportswear, Inc. and Sam Simchon v. Vince Coates*, Case Number 2012-CP-01-227 in the Court of Common Pleas for Abbeville County, South Carolina (the “Abbeville Case”). The cases are related, in that Sam Simchon, a plaintiff in the Abbeville Case, is the husband of the Appellant in this case and is jointly represented by the undersigned counsel. An attempt was

made to settle the Abbeville Case and the instant case together, and both have been the subject of settlement enforcement orders by the Honorable Eugene C. Griffith, Jr. Judge Griffith's September 8, 2014 order enforcing settlement in this case was filed with the Appellant's Notice of Appeal. Judge Griffith's related November 24, 2014 order in the Abbeville Case is attached hereto. The latter order is presently the subject of a motion to alter or amend. The plaintiffs in the Abbeville Case were recently requested to submit a proposed order disposing of that motion. Once that order is filed, the plaintiffs in the Abbeville Case will appeal.

As the issues in the two cases are closely connected, Appellant anticipates filing a motion to consolidate and, with the Court's approval, submitting a single consolidated brief in tandem with the plaintiffs in the Abbeville Case. Appellant submits that a single brief would allow for a more concise presentation of the related issues in both cases. An extension of 60 days from the current deadline should allow time to appeal in the Abbeville Case and dispose of a consolidation motion. The Appellant therefore respectfully requests an extension of 60 days within which to file and serve her initial brief and designation of matter to include in the Record on Appeal.

January 16, 2015.

K&L GATES LLP



J. Walker Coleman, IV
Julius H. Hines
134 Meeting Street, Suite 200
Charleston, SC 29401
walker.coleman@klgates.com
julius.hines@klgates.com
Telephone: (843) 579-5600
Facsimile: (843) 579-5600

Law offices of Edward S. McCallum, III

Post Office Box 148
Greenwood, SC 29648
Telephone: (864) 223-8546

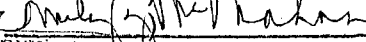
STATE OF SOUTH CAROLINA)
COUNTY OF ABBEVILLE)
BAY ISLAND SPORTSWEAR,)
Plaintiff,)
v.)
VINCE COATES, ET AL.,)
Defendant.)

COURT OF COMMON PLEAS

Case No. 2012-CP-1-28

ORDER

TRUE COPY

BY 
ABBÉVILLE COUNTY CLERK OF COURT

EMILY Y. MULLAN
CLERK OF COURT

2014 NOV 26 AM 10:54

FILED
STATE OF SOUTH CAROLINA
COUNTY OF ABBEVILLE

THIS MATTER is before the Court to address certain issues that relate to this litigation and should be read in conjunction with the order issued in the case of Vince Coates v. Dorothy Renee Simchon, Civil Action No. 2011-CP-24-1340 (Greenwood County case) denying the motion by the defendant in that case to amend or alter the judgment.

ON FEBRUARY 3, 2014 the parties in the Greenwood County case settled that litigation and, as part of that settlement agreement ended the present case by agreement. By way of brief background the plaintiff in this case Bay Island Sportswear is owned by Sam Simchon, the husband of the defendant in the Greenwood County case, Dorothy Simchon. The defendant in this case (Mr. Coates) is also the plaintiff in the Greenwood County case. The lawyer who represents the plaintiff in the present case, Edward McCallum, III, is also the lawyer who represents the defendant in the Greenwood case. Mr. Coates's lawyer in the present case is C. Rauch Wise. His lawyer in the Greenwood case is Stephen J. Henry.

AT ISSUE IN the present case was an internet publication alleged by the plaintiff to have been defamatory. The defendant denied these allegations. Since the issue of the internet publication was raised in this lawsuit, the Court deems it appropriate to deal with those questions herein.

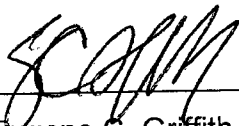
IT IS THE ORDER of the Court based upon the settlement terms of the Greenwood case and with the consent of the defendant Mr. Coates, that the internet entity Ripoff Report shall remove from its website the following language concerning Bay Island Sportswear and Sam Simchon: "This manufacturer is a



crook he quotes you prices on tshirts and go back and change the prices. Once u get the goods he expects you to pay the price of the invoice which is greater then he quoted he will inflate the freight cost and want you to pay for it he will tell you he will ship shirts by boat but then say he had to ship by air with out discussing the possible price increase with the customer please stay away from this crook. When you refuse to pay for extra fees he will try to find your spouses name and falsify the invoice with you and her name on it to try to put a lean against your property."

FAILURE TO REMOVE the above language by Ripoff Report will be considered a violation of this order and subject that entity to sanctions through the Court's contempt powers.

IT IS SO ORDERED.



Eugene C. Griffith, Jr.
Circuit Court Judge

Newberry, South Carolina

Date: Nov. 24th 2014

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Case No. 2011-CP-24-1340

Vince Coates,Respondent,

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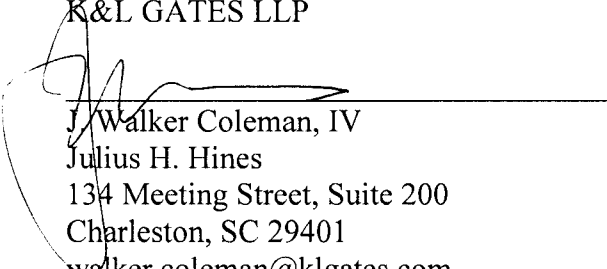
Dorothy Renee Simchon,Appellant.

PROOF OF SERVICE

I certify that I have served the Motion to Extend Time on Vince Coates, by depositing a copy of it in the United States Mail, postage prepaid, on January 16, 2015, addressed to his attorney of record, Stephen John Henry, 406 Pettigru Street, Greenville, South Carolina 29601.

January 16, 2015

K&L GATES LLP



J. Walker Coleman, IV
Julius H. Hines
134 Meeting Street, Suite 200
Charleston, SC 29401
walker.coleman@klgates.com
julius.hines@klgates.com
Telephone: (843) 579-5600
Facsimile: (843) 579-5600

Edward S. McCallum, III
Law Offices of Edward S. McCallum, III
Post Office Box 148
Greenwood, SC 29648
Telephone: (864) 223-8546

ATTORNEYS FOR APPELLANT,
DOROTHY RENEE SIMCHON

January 16, 2015

Julius H. Hines
julius.hines@klgates.com
T 843.579-5660
F 843.579.5601The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
P. O. Box 11629
Columbia, SC 29211Re: Vince Coates v. Dorothy Renee Simchon
Appellate Case No. 2014-002729

Dear Ms. Kitchings:

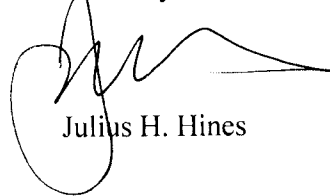
Enclosed please find the following documents in connection with the above-referenced case:

1. Original and six copies of Appellant's Motion to Extend Time; and
2. Original Proof of Service of Appellant's Motion to Extend Time;

Also enclosed is our check in the amount of \$25.00 for the motion filing fee.

Thank you for your assistance in this matter. Should you have questions, please do not hesitate to contact me.

Sincerely,


Julius H. HinesJHH/glm
Enclosurescc: Stephen John Henry, Esq. (w/enc.)
Edward S. McCallam, III, Esq. (w/enc.)
J. Walker Coleman, IV, Esq. (w/enc.)**RECEIVED**

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SC Court of Appeals

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

