

**STATE OF SOUTH CAROLINA
IN THE
COURT OF APPEALS**

Appeal from the Court of Common Pleas
For Charleston County
Honorable J. C. Nicholson, Jr., Circuit Judge
Civil Action Nos.: 2010-CP-10-9096
And 2011-CP-10-8840

Frank Gordon, Jr., Individually and as Trustee
of the Dorothy S. Gordon (Deceased) Trust,

v.

Donald W. Lancaster,

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SC Court of Appeals

74921

Respondent.

Appellant.

**Motion for Extension of Time To
File Initial Brief and DOM**

Justin O'Toole Lucey, Esquire
SC Bar No.: 15438
Stephanie L. Drawdy, Esquire
JUSTIN O'TOOLE LUCEY, P.A.
415 Mill Street
Mount Pleasant, South Carolina 29201
Telephone: 843.849.8400
Telecopier: 843.849.8406
E-Mail: jlucey@lucey-law.com

Attorneys for the Respondent

TO: THE HONORABLE JUDGES OF THE SOUTH CAROLINA COURT OF APPEALS:

COMES NOW the Respondent, Frank Gordon, Jr., Individually and as Trustee of the Dorothy S. Gordon (Deceased) Trust, ("Mr. Gordon"), pursuant to Rule 240 of the *South Carolina Appellate Court Rules*, and respectfully requests this Court of Appeals to grant him a thirty-day (30) extension of time in which to file his Respondent's Initial Brief and Designation of Matter to be Included in the Record on Appeal (the "DOM") in this appellate matter. The basis for this motion is that Mr. Gordon's appellate counsel is involved in trial preparation and other professional obligations at this time and needs the additional time in which to complete the Initial Brief and the DOM.

Based upon the current briefing schedule, Mr. Gordon's Initial Brief and DOM are currently due on or before Monday, February 2, 2015. Consequently, anticipating a favorable reception and subsequent grant of this extension motion, Mr. Gordon's Initial Brief and DOM would then be due on or before Wednesday, March 4, 2015. Absent extreme exigent circumstances, no additional extensions are anticipated. Appellant Donald W. Lancaster's counsel have consented to this extension.

Finally, Mr. Gordon respectfully requests this Court of Appeals to hold the briefing time in abeyance until such time as this motion may be considered and ruled upon.

Respectfully submitted;

JUSTIN O'TOOLE LUCEY, P.A.

By:  _____

Justin O'Toole Lucey, Esquire

SC Bar No.: 15438

Stephanie L. Drawdy, Esquire

415 Mill Street

Mount Pleasant, South Carolina 29201

Telephone: 843.849.8400

Telecopier: 843.849.8406

E-Mail: jlucey@lucey-law.com

Mount Pleasant, SC
January 29, 2015

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IN THE
COURT OF APPEALS**

Appeal from the Court of Common Pleas
For Charleston County
Honorable J. C. Nicholson, Jr., Circuit Judge
Civil Action Nos.: 2010-CP-10-9096
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Frank Gordon, Jr., Individually and as Trustee
of the Dorothy S. Gordon (Deceased) Trust,

Respondent.

v.

Donald W. Lancaster,

Appellant.

Proof of Service for Extension Motion

Justin O'Toole Lucey, Esquire
SC Bar No.: 15438
Stephanie L. Drawdy, Esquire
JUSTIN O'TOOLE LUCEY, P.A.
415 Mill Street
Mount Pleasant, South Carolina 29201
Telephone: 843.849.8400
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I, Justin O'Toole Lucey, Esquire, hereby certify that on January 29, 2015, I served a copy of the *Motion for Extension of Time in which to File Initial Brief and DOM* submitted by the Respondent, Frank Gordon, Jr., Individually and as Trustee of the Dorothy S. Gordon (Deceased) Trust, on counsel for Appellant, Donald W. Lancaster, via the United States Mail, postage pre-paid, and addressed as follows:

Stephen P. Groves, Sr., Esquire
S.C. Bar No. 007854
NEXSEN PRUET, LLC
205 King Street, Suite 400
Charleston, South Carolina 29401
Telephone: 843.720.1725
Telecopier: 843.414.8206
E-Mail: SGroves@nexsenpruet.com

John J. Dodds, III, Esquire
CISA & DODDS
858 Lowcountry Boulevard, Suite 101
Mount Pleasant, South Carolina 29464
Telephone: 843.881.6530
E-Mail: john@cisadodds.com

Attorney for the Appellant

Signed: 

Justin O'Toole Lucey, Esquire

Mount Pleasant, SC
January 29, 2015

JUSTIN O'TOOLE LUCEY, PA

Attorney at Law

415 Mill Street, Mount Pleasant, SC 29464

Phone: 843.849.8400 · Fax: 843.849.8406 · lknight@lucey-law.com

Justin Lucey
Joshua F. Evans
Stephanie D. Drawdy
Dabny Lynn
James L. Floyd, III

Reply to:
P.O. Box 806
Mt. Pleasant, SC 29465

January 29, 2015

BY REGULAR MAIL

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

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SC Court of Appeals

Re: *Frank Gordon, Jr., Individually and as Trustee of the Dorothy S. Gordon (Deceased)*
Trust v Donald W. Lancaster

Appeal from the Charleston County, Court of Common Pleas

Case Action No.: 2011-CP-10-8840

Appellate Case Tracking No.: 2014-001247

Case Action No.: 2010-CP-10-9096

Appellate Case Tracking No.: 2014-001763

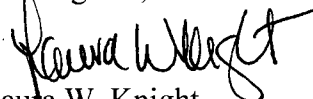
(Consolidated Cases)

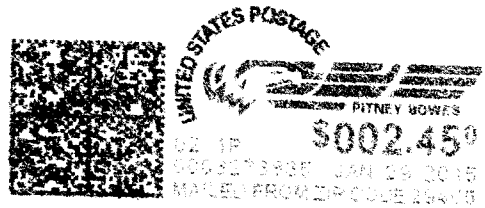
Dear Ms. Kitchings:

Enclosed please find the original and seven copies of a *Motion for Extension of Time in Which to File Initial Brief and DOM* in the above referenced consolidated appellate matters. I also enclose a *Proof of Service* indicating service of the *Motion for Extension of Time in Which to File Initial Brief and DOM* and the *Proof of Service* upon counsel for the Appellant. Finally, I enclose our firm check in the amount of \$25.00 as payment for the filing fee. I would greatly appreciate you filing the *Motion for Extension of Time in Which to File Initial Brief and DOM* and the *Proof of Service* with the Court of Appeals and returning a date stamped copy of each to my attention in the enclosed self-addressed, stamped envelope.

If you need anything else or I otherwise may be of any assistance to you or to the Court of Appeals regarding this matter, please feel free to contact me at your convenience.

Best regards,


Laura W. Knight



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SC Court of Appeals

Honorable Jenny Abbott Kitchings
Court
Carolina Court Of Appeals
Center Street
Columbia, South Carolina 29201