

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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MAR 09 2015

SC Court of Appeals

15283

APPEAL FROM LEXINGTON COUNTY
William P. Keesley, Circuit Court Judge
James W. Johnson, Jr., Circuit Court Judge

Case No. 2005-CP-32-2712
Case No. 2008-CP-32-419

McGuinn Construction Management, Inc., Appellant,

v.

Saul Espino and Mara Espino, Respondents.

and

Saul Espino and Mara Espino, Respondents,

v.

Gates Commons, LLC, S. Wade McGuinn, Individually,
and Town of Lexington, Defendants,

Of whom, Town of Lexington, is Appellant.

**MOTION FOR EXTENSION TO
FILE INITIAL REPLY BRIEF**

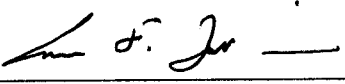
The Appellant Town of Lexington respectfully moves this Court for an additional two day extension of time until March 4, 2015, by which to file and serve its Initial Reply Brief and Designation of Matter to be Included in the Record on Appeal.

The Appellant's motion is based on the following grounds:

1. The Initial Reply Brief is currently due to be filed and served on March 2, 2015.
2. Counsel for the Appellant requires additional time to complete the preparation of the Initial Reply Brief because counsel was out of town for business all day and is preparing for a March 3, 2015 oral argument in this Court.
3. Counsel for the Respondents has been consulted and has consented to the requested extension. (See attached email).

WHEREFORE, the Appellant Town of Lexington respectfully requests that it be allowed until March 4, 2015, by which to file and serve its Initial Reply Brief and Designation of Matter to be Included in the Record on Appeal.

DAVIDSON & LINDEMANN, P.A.

BY:  _____

ANDREW F. LINDEMANN
1611 Devonshire Drive
Post Office Box 8568
Columbia, South Carolina 29202
(803) 806-8222

Counsel for Appellant Town of Lexington

Columbia, South Carolina

March 2, 2015

Andrew Lindemann

From: John Nichols <jsnichols@bntdlaw.com>
Sent: Monday, March 02, 2015 4:17 PM
To: Andrew Lindemann
Cc: John Bradley; Erin Bridges
Subject: Re: McGuinn v. Espino - IMPORTANT

Andrew

Yes. Say we consulted and consent.

Don't kill yourself!!

J

Sent from my iPhone

On Mar 2, 2015, at 4:15 PM, "Andrew Lindemann" <alindemann@dml-law.com> wrote:

John:

I know this is last minute, but would you consent to a 2-day extension for me to file the Initial Reply Brief for the Town of Lexington. I just got back from Georgetown an hour ago. I got oral argument at the Court of Appeals in the morning, plus my son has a JV baseball game at 7:30 that I don't particularly want to miss. That would make the brief due Wednesday. I would appreciate the courtesy.

Andrew

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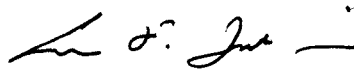
CERTIFICATE OF SERVICE

The undersigned employee of Davidson & Lindemann, P.A., counsel for the Appellant Town of Lexington, does hereby certify that service of the **Motion for Extension to File Initial Reply Brief** in the above-captioned matter was made upon all counsel of record by placing copies in the United States Mail, first class postage prepaid, at the below listed addresses clearly indicated on said envelopes this the 2nd day of March 2015:

Andrew A. Aun, Esquire
Aun & McKay, P.A.
Post Office Box 3568
Irmo, South Carolina 29063

John S. Nichols, Esquire
Blake A. Hewitt, Esquire
Bluestein Nichols Thompson
& Delgado, LLC
Post Office Box 7965
Columbia, South Carolina 29202

S. Jahue Moore, Esquire
Moore Taylor Law Firm, P.A.
Post Office Box 5709
West Columbia, South Carolina 29171



DAVIDSON & LINDEMANN, P.A.

ATTORNEYS AND COUNSELLORS AT LAW

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Joel S. Hughes
Justin T. Bagwell
David A. DeMasters
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Todd R. Flippin

*Also Admitted In North Carolina
†Certified Mediator

March 2, 2015

Of Counsel
Kenneth P. Woodington

Writer's Email: alindemann@dml-law.com

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RE: McGuinn Construction Management, Inc. v. Saul Espino and Mara Espino
Civil Action Number: 2005-CP-32-2712

RE: Saul Espino and Mara Espino v. Gates Commons, LLC, S. Wade McGuinn, Individually,
and Town of Lexington
Appellate Case Number: 2014-001519
Civil Action Number: 2008-CP-32-4192
Claim Number: 690001CO3151
Our File Number: 321.7443

Dear Ms. Kitchings:

Please find enclosed for filing the original and seven copies of the **Motion for Extension to File Initial Reply Brief** with regard to the above referenced matter. Please file the original and return a clocked-in copy to me in the enclosed envelope. I have also enclosed my firm's \$25.00 check for the filing fee.

By copy of this letter, I am serving copies on all counsel of record.

Thank you for your assistance in this matter.

Sincerely,

DAVIDSON & LINDEMANN, P.A.



Andrew F. Lindemann

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SC Court of Appeals

AFL/jmb
Enclosures

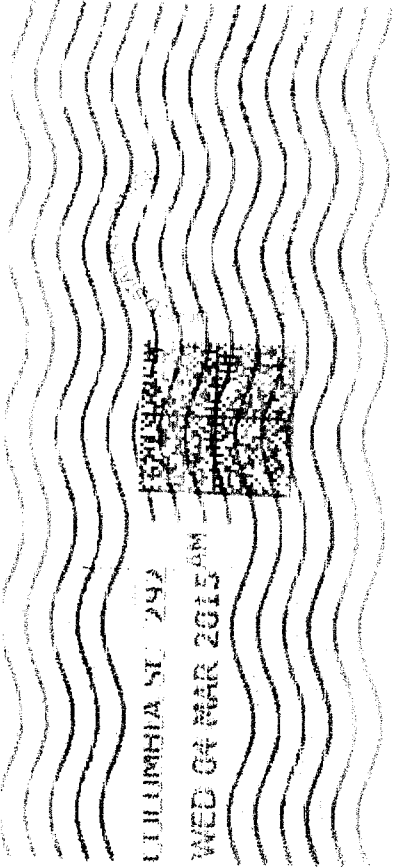
The Honorable Jenny Abbott Kitchings
March 2, 2015
Page Two

cc: (w/ Enclosure)

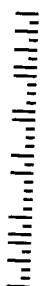
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