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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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MAR 30 2015

SC Court of Appeals

APPEAL FROM CHARLESTON COUNTY
The Honorable Mikell R. Scarborough, Charleston County Master-In-Equity

Case No. 2011-CP-10-9513
Appellate Case No. 2014-002742

Amh-Ashley Marina, LLC, and Amh Management, LLC.....Appellants,

v.

The Harborage at Ashley Marina Horizontal Property Regime,
The Harborage at Ashley Marina Condominium Association,
Eddy McCoy, Stuart Reeves, Brian Swan, Rich Cone, and Ed
Miskotten, individually, are.....Respondents.

RESPONSE TO APPELLANTS' MOTION FOR EXTENSION OF TIME


This Court has twice previously extended the Appellants' time for serving and filing its initial brief and designation of the matter. Most recently, on February 13, 2015, this Court issued an Order further extending the time for serving and filing Appellants' initial brief and designation of matter until March 25, 2015. That Order specifically provides, "No further extensions will be granted absent extraordinary circumstances." (See Exhibit A).

Despite this instruction, and without prior consultation among counsel, Appellants now request an additional 30-day extension. However, Appellants' present motion fails

to identify any basis whatsoever necessitating another extension, much less any “extraordinary circumstances” as required by this Court’s February 13, 2015, Order. Respondents therefore request that Appellants’ motion be denied.¹

In the alternative, should this Court decide to further extend the deadline, Respondents respectfully request that this Court enter an Order establishing April 15, 2015, as the date certain by which Appellants must file and serve their initial brief and designation of matter, subject to dismissal of this appeal upon failure to so comply.

FOR THE RESPONDENTS:



3/27/15

Michael A. Timbes

Thomas J. Rode

THURMOND KIRCHNER TIMBES & YELVERTON, P.A.

15 Middle Atlantic Wharf, Suite 101

Charleston, South Carolina 29401

Phone: (843) 937-8000

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¹ “Requests [for extensions] should be made well in advance of the applicable deadlines.” Toal, C.J., *Appellate Practice in South Carolina*, p. 263 (2d ed. 2002). Here, Appellants submitted their request, with no supporting grounds offered therein, two days before the March 25, 2015, deadline established by this Court’s February 13 Order. That deadline now has passed. Pursuant to Rule 240(b), SCACR, “the time limits imposed by these Rules shall not be stayed by the filing of a motion or petition.”

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AFFIDAVIT OF SERVICE

I, Moira W. Kerrigan, an employee of Thurmond Kirchner Timbes & Yelverton, P.A.,
attorneys for the Respondents, do hereby certify that I have on this date served via U.S.
Mail and Facsimile, a true and correct copy of the Response to Appellants' Motion for
Extension of Time to the following counsel of record:

FOR THE APPELLANTS:
Edward K. Pritchard, III
Pritchard Law Group
129 Broad Street
Charleston, South Carolina 29402
(843) 722.3300 (o)
(843) 722.3379 (f)
epritchard@pritchardlawgroup.com

By: 

Moira W. Kerrigan
Paralegal to Michael A. Timbes

March 27, 2015
Charleston, South Carolina

⑤

The South Carolina Court of Appeals

AMI-Ashley Marina, LLC, and Amh Management, LLC,
Appellants,

v.

The Harborage at Ashley Marina Horizontal Property
Regime, The Harborage at Ashley Marina Condominium
Association, Eddie McCoy, Stuart Reeves, Brian Swan,
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Respondents.

Appellate Case No. 2014-002742

ORDER

The time for serving and filing the appellants' initial brief and designation of matter is hereby extended until March 25, 2015. No further extensions will be granted absent extraordinary circumstances.

FOR THE COURT

BY V. Claire Allen, Deputy
CLERK

Columbia, South Carolina

cc:
Edward K. Pritchard, III, Esquire
Michael A. Timbes, Esquire

FILED

2-13-15 AS



THURMOND KIRCHNER TIMBES & YELVERTON, P.A.
ATTORNEYS & COUNSELORS AT LAW

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CHARLESTON, SOUTH CAROLINA 29401

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SC Court of Appeals

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Paul R. Thurmond
Jesse A. Kirchner
Michael A. Timbes *
Matthew E. Yelverton **
Christopher P. Deters
David L. Barnes, Jr.
Thomas J. Rode
Christopher C. Romeo **
Matthew S. Byzet

* Also admitted in Georgia

** Also admitted in North Carolina

March 27, 2015

VIA FACSIMILE & U.S. MAIL

The Honorable Jenny Abbott Kitchings
Clerk of Court, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211
(803) 734.1839

Re: *Case Tracking No. 2014-002742*
AMI-Ashley Marina v. The Harborage at Ashley Marina
Case No. 2011-CP-10-9513

Dear Ms. Kitchings:

The firm represents the Respondents in connection with the above appeal. Enclosed for filing, please find the original and seven (7) copies of the following:


- (1) Response to Appellants' Motion for Extension of Time; and
- (2) Affidavit of Service.

After filing the originals, kindly return any extra file-stamped copies to me using the enclosed self-addressed envelope provided for your convenience. Should you have any questions or concerns, please do not hesitate to contact me.

With kind regards, I remain

Very truly yours,

THURMOND KIRCHNER TIMBES & YELVERTON, P.A.



Moira Kerrigan
Paralegal to Michael A. Timbes

cc: Edward K. Pritchard, III, Esquire
Clients

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March 27, 2015
Charleston, South Carolina

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FACSIMILE TRANSMITTAL

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SC Court of Appeals

DATE: March 27, 2015
TO: South Carolina Court of Appeals, Clerk of Court
FAX #: (803) 734.1839
FROM: Moira Kerrigan, Paralegal to Michael A. Timbes
RE: Case Tracking No. 2014-002742
AMI-Ashley Marina v. The Harborage at Ashley Marina
Case No. 2011-CP-10-9513
PAGES: 6 (including cover)

Please see the following.

Thank you,
Moira

The information contained in this facsimile message is attorney privileged and confidential information. It is intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to us at the address shown above via the U.S. Postal Service.

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THURMOND KIRCHNER TIMBES & YELVERTON, P.A.
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ORDER

The time for serving and filing the appellants' initial brief and designation of matter is hereby extended until March 25, 2015. No further extensions will be granted absent extraordinary circumstances.

FOR THE COURT

BY V. Claire Allen, Deputy
CLERK

Columbia, South Carolina

FILED

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cc:

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Michael A. Timbes, Esquire

