

75733

**RECEIVED**

APR 20 2015

SC Court of Appeals

**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,

Respondent,

v.

Donald W. Lancaster,

Appellant.

---

**Motion for Extension of Time (2<sup>nd</sup>) To  
File Initial Reply Brief**

---

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](mailto:SGroves@nexsenpruet.com)

John J Dodds, III, Esquire  
S C. Bar No 001707  
*CISA & DODDS*  
858 Lowcountry Boulevard, Suite 101  
Mount Pleasant, South Carolina 29464  
Telephone: 843.881.6530  
E-Mail: [john@cisadodds.com](mailto:john@cisadodds.com)

*Attorneys for the Appellant*

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

COMES NOW the Appellant, Donald W Lancaster ("Mr. Lancaster"), pursuant to Rule 240 of the South Carolina Appellate Court Rules, and respectfully requests this Court of Appeals to grant him an additional ten-day (10) extension of time in which to file his Initial Reply Brief and, if necessary, Reply Designation of Matter to be Included in the Record on Appeal (the "Reply DOM") in this appellate matter. The basis for this motion is that (a) Mr. Lancaster's appellate counsel is involved in other appellate and trial matters at this time, (b) will be out-of state for several days for a previously-scheduled event, and (c) the abnormal length of the Respondent's Initial Brief (65 pages). Consequently, Mr. Lancaster needs the additional time in which to complete the Initial Reply Brief and, in needed, the Reply DOM.

Based upon the current briefing schedule Mr Lancaster's Initial Reply Brief and Reply DOM are currently due on or before Thursday, 23 April 2015. Consequently, anticipating a favorable reception and subsequent grant of this extension motion, Mr Lancaster's Initial Reply Brief and Reply DOM would then be due on or before Monday, 4 May 2015 (as the 10<sup>th</sup> day falls on Sunday, 3 May 2015)

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

Respectfully submitted.

NEXSEN PRUET, LLC

By 

Stephen P. Groves, Sr., Esquire  
SC Bar No 007854  
205 King Street, Suite 400  
Charleston, South Carolina 29401  
Telephone: 843 720 1725  
Telecopier: 843.414 8206  
E-Mail: [SGroves@nexsenpruet.com](mailto:SGroves@nexsenpruet.com)

John J Dodds, III, Esquire  
SC Bar No. 001707  
*CISA & DODDS*  
858 Lowcountry Boulevard, Suite 101  
Mount Pleasant, South Carolina 29464  
Telephone. 843 881 6530  
E-Mail: [john@cisadodds.com](mailto:john@cisadodds.com)

*Attorneys for the Appellant*

Charleston, South Carolina

17 April 2015

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

---

**RECEIVED**

APR 20 2015

**SC Court of Appeals**

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 (2<sup>nd</sup>)**

---

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](mailto:SGroves@nexsenpruet.com)

John J. Dodds, III, Esquire  
S.C Bar No. 001707  
*CISA & DODDS*  
858 Lowcountry Boulevard, Suite 101  
Mount Pleasant, South Carolina 29464  
Telephone 843 881.6530  
E-Mail: [john@cisadodds.com](mailto:john@cisadodds.com)

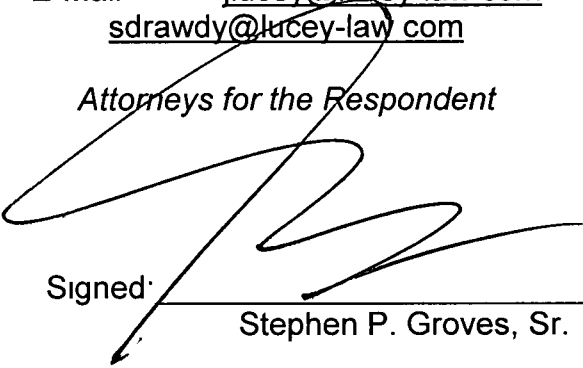
*Attorneys for the Appellant*

I, Stephen P Groves, Sr., Esquire, hereby certify that on 17 April 2015, I served a copy of the **Motion for Extension of Time (2<sup>nd</sup>) in which to File Initial Reply Brief and Reply DOM** submitted by the Appellant, Donald W. Lancaster, on counsel for the Respondent via the United States Mail, postage pre-paid, and addressed as follows:

Justin O'Toole Lucey, Esquire  
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](mailto:jlucey@lucey-law.com)  
[sdrawdy@lucey-law.com](mailto:sdrawdy@lucey-law.com)

*Attorneys for the Respondent*

Signed:



\_\_\_\_\_  
Stephen P. Groves, Sr.

Charleston, South Carolina

17 April 2015

Stephen P. Groves, Sr.  
Member  
Admitted in SC

RECEIVED

APR 20 2015

SC Court of Appeals

17 April 2015

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

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)  
NP File No. 053211-00001

Charleston

Charlotte

Columbia

Greensboro

Greenville

Hilton Head

Myrtle Beach

Raleigh

Dear Ms. Kitchings

Enclosed please find the original and seven copies of a Motion for Extension of Time (2<sup>nd</sup>) in Which to File Initial Reply Brief and Reply DOM (if necessary) in the above-referenced consolidated appellate matters. I also enclose a Proof of Service indicating service of the Motion for Extension of Time (2<sup>nd</sup>) in Which to File Initial Reply Brief and Reply DOM and the Proof of Service upon counsel for the Respondent. Finally, I enclose our firm check in the amount of \$25.00 as payment for the filing fee.

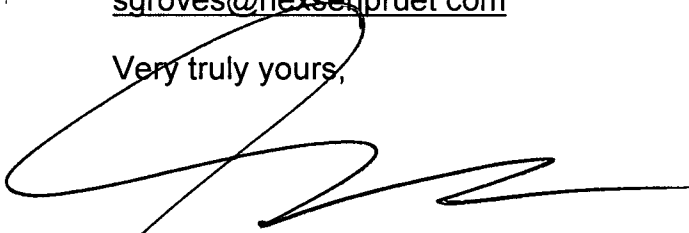
I would greatly appreciate you filing the Motion for Extension of Time (2<sup>nd</sup>) in Which to File Initial Reply Brief and Reply DOM and the Proof of Service with the Court of Appeals and returning a date stamped copy of each to my attention in the enclosed self-addressed, stamped envelope. By copy of this letter, I am serving the Respondent's counsel with a copy of the referenced documents.

Honorable Jenny Abbott Kitchings  
Clerk of Court  
17 April 2015  
Page 2 of 2

---

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. My direct telephone number is 843.720.1725, direct telecopier is 843.414.8206, and the e-mail is [sgroves@nexsenpruet.com](mailto:sgroves@nexsenpruet.com)

Very truly yours,



Stephen P. Groves, Sr.  
SPGSr./spg

cc: Justin O'Toole Lucey, Esquire/Stephanie D. Drawdy, Esquire  
John J. Dodds, III, Esquire  
Mr Donald Lancaster

NPCHAR1 1463807 1-LT-(SPG) 053211-00001

