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May 29, 2015

VIA HAND DELIVERY

The Honorable Daniel E. Shearouse
Clerk of Court
South Carolina Supreme Court
1231 Gervais Street
Columbia, South Carolina 29201

RECEIVED

MAY 29 2015

S.C. SUPREME COURT

RE: Francis P. Maybank v. BB&T Corporation et al.
Appellate Case No. 2015-000112

Dear Mr. Shearouse:

We are in receipt of the May 28, 2015, letter from counsel for Appellants/Respondents, which requests a 30-day extension of time to file their Initial Brief and Designation of Matter. While neither consultation nor consent is required for filing such a motion, Respondent/Appellant, Mr. Maybank, respectfully requests that any extension which may be granted be conditioned upon (1) the requirement that Appellants/Respondents not be permitted to seek any further extension and (2) that any extension granted also apply to Mr. Maybank with respect to his initial brief and designation of matter.

To provide the Court with the context of Mr. Maybank's first requested condition, we note that the parties have been in receipt of the transcript of the underlying two-week jury trial in this case since April 10, 2015.¹ The parties were thereafter substantially delayed in the receipt of transcripts of two collateral hearings, which were to both be transcribed separately (not by the trial court reporter), and which were received by the parties on May 4, 2015. In the interim period, and as you are aware, the parties resolved an issue pertaining to the inclusion of excerpts of video depositions

¹ The post-trial hearing transcript was received on March 12, 2015. Collectively, the trial transcript and the post-trial hearing transcript account for the bulk of any appealable issues in this, or any, appeal.

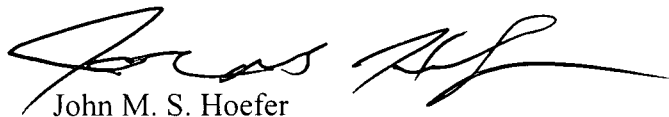
that were played during the trial. This resolution resulted in the current June 17, 2015, deadline for filing initial briefs and designations of matter. Given the foregoing, Appellants/Respondents have already benefited from additional time to prepare their Initial Brief and comply with the standard timeframe outlined in the Appellate Court Rules. As noted in his Motion for Certification, this litigation to recover the substantial financial losses incurred by Mr. Maybank has caused significant detriment to his financial security during the later years of his life. Mr. Maybank therefore stands to be further harmed by continued delays in the ultimate resolution of his claims. While Mr. Maybank is keenly aware of the regularity in which motions for extensions of time are granted, he nonetheless requests that the Court condition the grant of the motion so as to allow no further delays.

As to the second requested condition, although Mr. Maybank stands ready to comply with the current due date of June 17, 2015 for filing the Initial Briefs and Designations of Matter, he believes that he would be placed at a disadvantage if Appellants/Respondents have the benefit of a greater period of time within which to review and consider his initial brief than he will have with respect to theirs. Mr. Maybank also recognizes that the Court prefers to keep the briefing of cross appeals on a simultaneous track. Therefore, Mr. Maybank requests that any extension granted to Appellants/Respondents be applied to Mr. Maybank, too.

If you have any questions, or require additional information, please do not hesitate to contact me. With best regards, I am,

Respectfully,

WILLOUGHBY & HOEFER, P.A.



John M. S. Hoefer

cc: C. Mitchell Brown, Esquire (via Hand Delivery)
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