

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM BEAUFORT COUNTY  
Court of Common Pleas

JUN 17 2015

SC Court of Appeals

Marvin H. Dukes, III, Master-In-Equity

Appellate Case No. 2015-001041  
Lower Court Case No. 2014CP0701811

Daniel T. Bryan, Lisa D. Bryan and Beach Deli  
Enterprises d/b/a Munchies, Plaintiffs

Of Whom Daniel T. Bryan and Lisa D. Bryan are  
Appellants

v.

Dr. Marix Snijder, USA Limited Partnership V, L. P.,  
Merrelyn Rogers, Renita Bryant, Dimara Atlanta  
Investment Corp. and Superior Heating and Air, Inc.  
Respondents

APPELLANTS RESPONSE TO  
RESPONDENTS MOTION FOR EXTENSION

Lisa D. Bryan  
Daniel T. Bryan  
Royal Crest Drive  
Hilton Head, SC 29928  
843-368-7433  
Pro Se, Appellants

Jeffery T. Stover  
P.O. Box 22129  
Charleston, SC 29413  
843-576-2827  
jstover@turnerpadget.com  
Attorney for Respondent

**Memorandum with Citation of Authorities in Support of Response to Respondents  
Motion**

**Rule 208 (a) 2: Brief of Respondent** - Within thirty (30) days after service of appellant's brief, respondents shall serve one copy of his brief on all parties to the appeal and file with the clerk of the appellate court one copy of the brief with proof of service.

**Rule 263 (b): Extending and Diminishing Time Prescribed by These Rules**, the time prescribed by these Rules for performing any act or taking any action *may not be extended by agreement of the parties but only extended or shortened by the appellate court, or by any judge or justice thereof.*

**Rule 267 (b): Signatures** - The original of a document or paper filed by a party or his attorney shall be signed by the party or the attorney. The signature of a party or attorney constitutes a certificate by him that he has read the document or paper; that to the best of his knowledge, information and belief there is good ground to support it; and that it is not interposed for delay.

**Appellants Response to Respondents Motion to Extend Time**

Pursuant to Rule 240 (e), Appellants submit to this Honorable Court Appellants response to Respondents Motion for Extension of Time and specifically state the following:

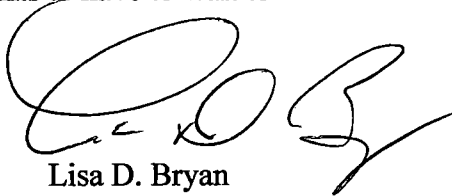
1. On June 10, 2015, Jeffrey T. Stover, Turner, Padget, Graham & Laney, P.A. Attorney of Record for the Respondents, sent an email to Appellants requesting Appellants to agree to a thirty day extension to file the Initial Brief on behalf of the Respondents because of the vacation schedule of not only himself, as he was just coming back from his vacation, but the vacation schedule of R. Hawthorne Barrett later this month. Mr. Barrett is fellow Attorney of Mr. Stover from Turner, Padget, Graham & Laney, P. A. Mr. Barrett is not an attorney of record for the Respondents in either the Civil Case nor the Appeal nor has Mr. Barrett appeared in any matter in this case. Appellants ask that this Honorable Court deny the Respondents request for an extension of time as the vacation schedule of Mr. Barrett should have no bearing on this appeal.
2. Appellants had replied to Mr. Stover's email request for an extension of time and stated that an extension would be a burden to the Appellants as they are the owners of a small

businesses and during the summer months have additional staff that allows the Appellants the ability to take the time off for the appeal requirements which will not be available after August 1, 2015. It was not that Appellants refused to consent to an extension as stated in Respondents Motion, but rather it was shared with Respondents that Appellants would be burdened if there was an extension and that an extension would be a hardship to Appellants by greatly impeding their ability to complete the appellants future appeal requirements as they would not have the additional summer staff in place to allow them the time away from the business to allow a full and complete appeal. Appellants ask that this Honorable Court deny the Respondents request for an extension of time as the extension would create a burden to the Appellants.

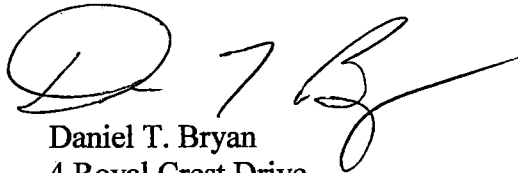
3. The Respondents Motion for Extension was created by Mr. R. Hawthorne Barrett. Mr. Barrett is the only signature on the Motion for Extension. Mr. Jeffery Stover, Attorney for the Respondents is the ONLY Attorney of Record in this Appeal did not sign the Motion for Extension as required by **Rule 267 (b)**. Therefore, the Appellants ask that the Respondents Motion to Extend Time should not be considered by this Honorable Court as the attorney of record did not constitute a certificate of the filing of the motion for extension and ask that their Motion to Extend Time be denied.
4. Finally, the Appellants Initial Brief was sent via Priority Mail with a date of service of Wednesday, May 27, 2015. In accordance with **Rule 208**, the Respondents Initial Brief is due thirty days from date of service or May 27, 2015 which would make the Respondents Initial Brief due on Friday, June 26, 2015 not June 27, 2015 as outlined in Respondents Motion for Extension. (Exhibit 1)

Even though Respondents asked Appellants to voluntarily agree to an extension of time, according to Rule 263(b) **Extending and Diminishing Time Prescribed by These Rules**, the time prescribed by these Rules for performing any act or taking any action *may not be extended by agreement of the parties but only extended or shortened by the appellate court, or by any judge or justice thereof*. The Appellants ask this Honorable Court deny the Respondents request for an extension as a matter of law as the Motion for Extension was not created by or signed by Jeffrey T. Stover, the Attorney of Record for Respondents and ultimately a delay in this appeal will cause an undue burden upon Appellants to have to wait to finalize their appeal as it will conflict with their business obligations.

June 14, 2015



Lisa D. Bryan  
4 Royal Crest Drive  
Hilton Head, SC 29928  
843-368-7433  
Pro Se, Appellant



Daniel T. Bryan  
4 Royal Crest Drive  
Hilton Head, SC 29928  
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Pro Se, Appellant



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Tracking Number: 9505511039595147484081

On Time  
Expected Delivery Day: Friday, May 29, 2015

### Product & Tracking Information

Postal Product: Priority Mail 2-Day™  
Features: USPS Tracking™  
Up to \$50 insurance included  
Restrictions Apply

DATE & TIME	STATUS OF ITEM	LOCATION
May 29, 2015, 9:42 am	Delivered	CHARLESTON, SC 29413

Your item was delivered at 9:42 am on May 29, 2015 in CHARLESTON, SC 29413.

May 29, 2015, 5:56 am	Arrived at Post Office	CHARLESTON, SC 29403
May 28, 2015, 11:24 pm	Departed USPS Origin Facility	CHARLESTON, SC 29423
May 28, 2015, 9:39 am	Out for Delivery	CHARLESTON, SC 29412
May 28, 2015, 9:29 am	Sorting Complete	CHARLESTON, SC 29412
May 27, 2015, 10:56 pm	Arrived at USPS Origin Facility	CHARLESTON, SC 29423
May 27, 2015, 3:11 pm	Departed Post Office	HILTON HEAD ISLAND, SC 29928
May 27, 2015, 1:26 pm	Acceptance	HILTON HEAD ISLAND, SC 29928

### Available Actions

Text Updates

Email Updates

HILTON HEAD ISLAND MPO  
HILTON HEAD ISLAND, South Carolina  
299289998  
1254920665 -0098  
05/27/2015 (843)785-7002 01:32:19 PM

Product Description	Sales Unit Qty	Receipt Price	Final Price
@@ CHARLESTON SC 29413-2129 Zone-1			\$5.75

Priority Mail 2-Day  
Flat Rate Env  
6.90 oz.  
Expected Delivery: Fri 05/29/15  
Includes up to \$50 insurance

USPS Tracking #: 9505 5110 3959 5147 4840 81

Issue Postage: \$5.75

### Track Another Package

Tracking (or receipt) number

Track It

### Manage Incoming Packages

Track all your packages from a dashboard.  
No tracking numbers necessary.

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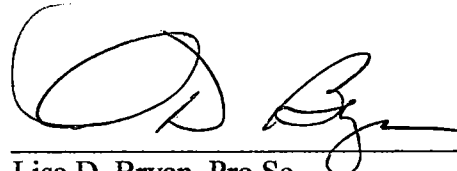
PROOF OF SERVICE  
APPELLANTS RESPONSE TO RESPONDENTS MOTION TO EXTEND TIME

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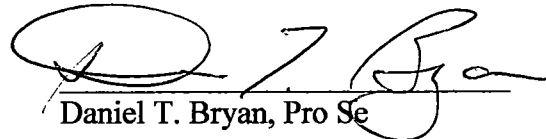
We certify that we have served the Appellant's Response to Respondents Motion to Extend Time to Dr. Marix Snijder, USA Limited Partnership V, L. P., Merrelyn Rogers, Renita Bryant, Dimara Atlanta Investment Corp. Respondents and Beach Deli Enterprises Inc. d/b/a Munchies, Plaintiff by depositing a copy in the United States Mail, postage prepaid, on June 14, 2015, addressed to

Jeffrey Todd Stover, Esquire  
Turner, Padget, Graham & Laney, P. A  
P.O. Box 22129  
Charleston, SC 29413  
843-576-2827  
843-577-3369 (fax)  
jstover@turnerpadget.com  
Attorneys for Respondent

June 14, 2015



Lisa D. Bryan, Pro Se



Daniel T. Bryan, Pro Se

June 14, 2015

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SC Court of Appeals

Ms. Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
1220 Senate Street  
Columbia, SC 29201

CASE: Appellate Case No. 2015-001041  
Lower Court Case No. 2014CP0701811

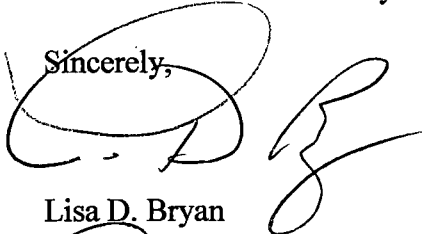
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Dear Ms. Kitchings,

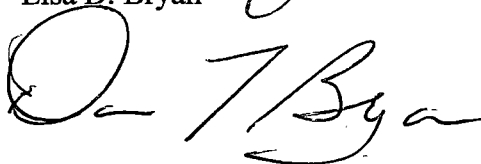
Pursuant to Rule 240, please find enclosed the original and six copies of the Appellants Return Motion in response the Respondents Motion for Extension of Time. I have also included proof of service.

Please call Lisa Bryan with any questions you may have 843-368-7433.

Sincerely,

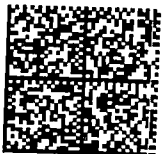


Lisa D. Bryan



Daniel T. Bryan

P



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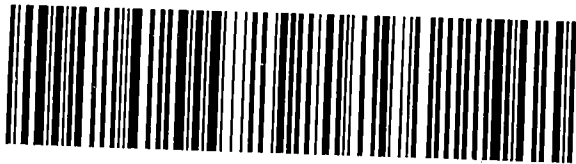
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A CUSTOMS DECLARATION LABEL MAY BE REQUIRED.



For Domestic and International Use



From *Lea Don Bryan -*  
*4 Royal Crest Drive*  
*WHE, SC 29928*

**TO** *Ms. Jenny Abbott Kitchings*  
*Clerk of Court*  
*South Carolina Court of Appeals*  
*1220 Senate Street*  
*Columbia, SC 29201*

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