

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM Horry COUNTY
Court of Common Pleas

Larry B. Hyman, Jr., Circuit Court Judge

RECEIVED

JUL 09 2015

SC Court of Appeals

Case No. 2014-CP-26-1665
Appellate Case No. 2015-000680

Emily Carlson and Alice Preyer, Petitioners,

v.

John C. Dockery, III, Respondent.

In re Emily Cheshire Dockery,

Of Whom Emily Carlson and Alice Preyer..... are the Respondents,

and

Emily Cheshire Dockery..... is the Appellant.


RESPONDENT'S RETURN TO APPELLANT'S MOTION FOR EXTENSION OF
TIME

Pursuant to Rule 240(e) of the South Carolina Appellate Court Rules, Respondents file this Return to the Motion for an Extension of Time to serve the Initial Brief and Designation of Matter filed by Appellant, Emily Cheshire Dockery. This is the second extension requested. The original action was filed in 2010 and appealed to the Circuit Court in 2014. Appellant filed a Notice of Appeal in this Court on March 27, 2015.

Respondents would respectfully submit that this matter has aged sufficiently such that further extensions of time are inappropriate. Respondents recognize that, as with a request to the trial court for a continuance, the grant or denial of a motion or an extension of time rests solely within the sound discretion of this Court. There are no express guidelines in the Rules or case law setting forth any criteria or guidelines by which such request is to be evaluated. Respondents believe, however, Appellant filed a Notice of Appeal and should be required to present some compelling reason to the Court, and to Respondents, to justify repeated extensions, particularly in a matter that has already been appealed to the Circuit Court and, as such, has been briefed, designations of matter identified and the record prepared.

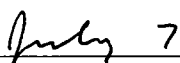
Respondents would respectfully request that the Appellant's Motion for Extension of Time be denied.

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: 
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Myrtle Beach, South Carolina

, 2015

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PROOF OF SERVICE

I, the undersigned Paralegal of the law offices of Nelson Mullins Riley & Scarborough LLP, attorneys for Respondents, Emily Carlson and Alice Preyer, do hereby certify that I have served all counsel in this action with a copy of the pleading(s) hereinbelow specified by mailing a copy of the same by United States Mail, postage prepaid, to the following address(es):

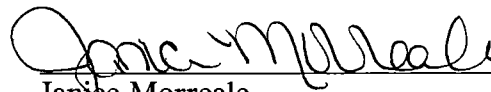
Pleadings:

Respondent's Return to Appellant's Motion for Extension of Time

Counsel Served:

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Janice Morreale
Paralegal

July 7, 2015

Nelson Mullins

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July 7, 2015

Honorable Jenny Abbott Kitchings
Clerk of Court
SC Court of Appeals
P.O. Box 11629
Columbia, SC 29211

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RE: Emily Carlson v. John C. Dockery
Appellate Case No. 2015-000680
Our File No. 36618/09000

Dear Ms. Kitchings:

Enclosed please find an original and seven copies of the Respondent's Return to Appellant's Motion for Extension of Time along with an original and one copy of the Proof of Service in regard to the above-referenced matter. We would ask that you file the originals and return a clocked-in copy to us in the envelope provided.

By copy of this letter to counsel of record, we are serving them with a copy of the same.

Very truly yours,



James F. McCrackin

JFM:jem

Enclosures

cc: Thomas C. Brittain, Esquire
Mary Madison Brittain Langway, Esquire
V. Lee Moore, Esquire

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