

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM HORRY COUNTY  
Court of Common Pleas

The Honorable D. Craig Brown, Circuit Court Judge

**RECEIVED**  
NOV 17 2015  
SC Court of Appeals

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Case No. 2013-CP-26-02135

Appellate Case No. 2015-001233

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CitiMortgage, Inc., ..... Respondent,  
v.  
Mitchell D. Snider, ..... Appellant.

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**RESPONDENT'S RETURN TO APPELLANT'S PETITION  
FOR EXTENSION**

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Pursuant to Rule 240, SCACR, Respondent CitiMortgage, Inc. ("CitiMortgage" or "Respondent") hereby responds to the Appellant's Notice of Petition and Petition for Extension. Respondent previously consented to an extension of time to November 25, 2015, for the Reply Brief. Appellant now seeks an additional extension of time to December 7, 2015, to file and serve the Reply Brief.

First, the requested extension is twenty-one (21) days after the deadline provided under the South Carolina Appellate Court Rules and seven (7) days longer than the extended deadline initially requested by Appellant from

Respondent. As outlined herein, Respondent agreed to an extension of time to November 25, 2015, for Respondent to file and serve the Reply Brief.

Second, Respondent notes that Appellant misstates the deadline for filing and service of the Reply Brief. Appellant's Petition states that the Reply Brief is currently due to be filed and served on November 19, 2015. This is incorrect. Under the South Carolina Appellate Court Rules, Appellant's Reply Brief is due ten (10) days after filing and service of Respondent's Initial Brief. *See* Rule 208(a)(3), SCACR. Moreover, Rule 263(a) provides that "[n]o additional time shall be allowed after service by mail or upon a statutory agent" and "Rule 6(e), SCRCPC, is not applicable to these rules, and no additional time shall be allowed by reason of service by mail or upon a statutory agent." Rule 263(a), SCACR. In this case, Respondent's Initial Brief and Designation of Matter were served on November 6, 2015, making Appellant's deadline for the Reply on November 16, 2015, not November 19, 2015. The actual deadline of November 16, 2015, is well in advance of the upcoming Thanksgiving holiday and the scheduling conflicts outlined by Appellant.

Finally, with respect to the extension, Appellant's counsel contacted Respondent's counsel on November 11, 2015, and asked for a "ten day extension of time to file [his] Reply brief." Because the requested extension would have fallen on the Thanksgiving holiday and, thereby moved the deadline to the following Monday, Respondent consented to a nine-day extension to November 25, 2015. The following day, Appellant's counsel requested an additional extension of time to December 7, 2015, and filed the Petition which is the subject

of this Return. While Respondent is not objecting to the request, it is making the Court aware of its consent to an extension of time to November 25, 2015, for the filing and service of the Reply Brief and noting its position that this is an appropriate extension of time for the Reply Brief. Additionally, Appellant raises the existence of settlement discussions in his Petition. Respondent does not believe that the current status of the settlement discussions serves as a basis for extending the deadline for the Reply Brief. Because Respondent is sympathetic to Appellant's counsel's additional scheduling conflicts outlined in the Petition, it is not submitting an objection to the second extension requested by Appellant and is, instead, making the Court aware of the context of the request.

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Attorneys for Respondent CitiMortgage, Inc.

Columbia, South Carolina

11 | 17, 2015

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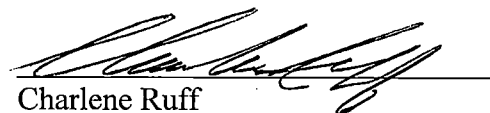
v.

Mitchell D. Snider, ..... Appellant.

**PROOF OF SERVICE**

I, the undersigned Administrative Assistant of the law offices of Nelson Mullins Riley and Scarborough, LLP, attorneys for Respondent, CitiMortgage, Inc., do hereby certify that I have served all counsel in this action with a copy of Respondent's Return to Appellant's Petition for Extension by mailing a copy of same by United States Mail, postage prepaid to the following addresses:

Benjamin A. Barody, Esquire  
Bellamy, Rutenberg, Copeland, Epps,  
Gravely & Bowers, P.A.  
1000 29<sup>th</sup> Avenue North  
Myrtle Beach, SC 29577

  
Charlene Ruff  
Administrative Assistant

November 17, 2015

# Nelson Mullins

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NOV 17 2015  
SC Court of Appeals

November 17, 2015

## Hand Delivered

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

RE: Mitchell D. Snider v. CitiMortgage, Inc. and Kim Sprinkle Snider  
Civil Action No. 2013-CP-26-02135  
Appellate Case No. 2015-001233  
Our File No. 26019/01763

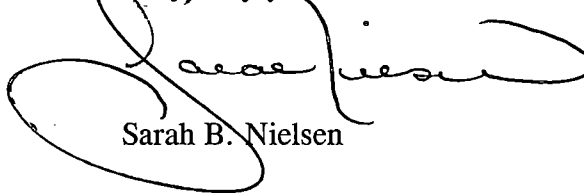
Dear Ms. Kitchings:

Enclosed please find an original and seven copies of the Respondent's Return to Appellant's Petition for Extension and Proof of Service in the above-referenced matter. We would appreciate your filing the original or each and returning a filed copy of each to us via our courier.

By copy of this letter, we are hereby serving a copy of the same on opposing counsel.

Thank you for your attention in this matter. If you have any questions or comments, please do not hesitate to contact us.

Very truly yours,



Sarah B. Nielsen

SBN:cruff  
Enclosures

cc: Benjamin A. Baroody, Esquire