

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Mikell Scarborough, Master-in-Equity

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FEB 16 2016

SC Court of Appeals

Appellate Case No.: 2015-001709

Margaret Moore Appellant

v.

Annabel Pougner Respondent

RESPONDENT'S RETURN TO APPELLANT'S MOTION FOR EXTENSION OF
TIME IN WHICH TO FILE INITIAL BRIEF

Respondent Annabel Pougner respectfully objects and opposes Appellant Margaret Moore's Motion for an Extension of Time to file her Initial Brief in the subject action.

In a letter to this Court dated November 3, 2015, Appellant's counsel acknowledged receipt of the trial transcript and further confirmed that Appellant's Initial Brief would be due in 30 days. The Court's records documented December 3, 2015 as Appellant's deadline for filing and service of the Initial Brief and Designation of Matter. The December 3, 2015 deadline passed without any filing by Appellant nor any communication from Appellant's counsel.

On January 22, 2016, the Court wrote Appellant's counsel stating that, "In order for the Court to consider Appellant's Initial Brief and Designation of Matter, you must file a Motion to File the Appellant's Initial Brief and Designation of Matter out of Time." Appellant was given ten (10) days from the date of the letter to comply with the Court's demand.

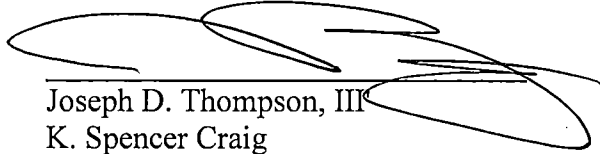
On February 1, 2016 (the tenth day), Appellant filed her Motion for Extension of Time in which to File Initial Brief. Remarkably, Appellant did not file the Motion required by the Court. Instead of seeking permission to file the Initial Brief and Designation of Matter out of time, Appellant requested an extension for filing the Initial Brief, as if her time had not already expired for filing. Moreover, Appellant's explanation for the failure to file the Initial Brief concerned counsel's infirmity in the month of January 2016. However, counsel's infirmity in January 2016 does not explain the failure to file the Initial Brief on or before December 3, 2015 and/or the failure to request an extension of that filing date. There is simply no explanation as to why the Initial Brief was not filed, or any extension for the same requested, at any time during the months of November or December 2015.

In conclusion, Appellant's Motion does not, in any respect, provide a reasonable response to the Court's January 22, 2016 command, and it provides no reasonable basis to excuse Appellant's failure to file the Initial Brief on or before December 3, 2015. Accordingly, Respondent respectfully requests that Appellant's Motion be denied and Appellant's Appeal be dismissed.

(SIGNATURE ON THE FOLLOWING PAGE)

Respectfully submitted,

HALL BOOTH SMITH, P.C.



Joseph D. Thompson, III
K. Spencer Craig
40 Calhoun Street, Suite 550
Charleston, SC 29401
843.720.3460 Telephone
843.720.3475 Facsimile
Email: JThompson@hallboothsmith.com
scraig@hallboothsmith.com

Counsel for Respondent

February 10, 2016

Charleston, South Carolina

Certificate of Service

I certify that on this 10th day of February 2016, a copy of the foregoing *Respondent's Return to Appellant's Motion for an Extension of Time in Which to File Initial Brief* was served on counsel of record by depositing a true and correct copy in the U.S. Mail, with sufficient first class postage, addressed as follows:

David A. Collins, Esq.
Post Office Box 40578
Charleston, SC 29405-0578
Phone: 843.760.0220
Fax: 843.552.2678
Email: davidacollins2@aol.com

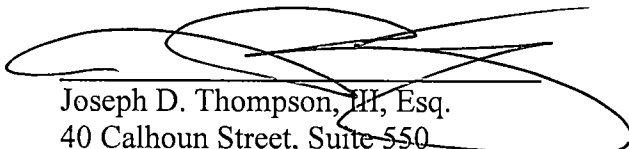
Counsel for Appellant

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HALL BOOTH SMITH, P.C.


Joseph D. Thompson, III, Esq.
40 Calhoun Street, Suite 550
Charleston, SC 29401
843.720.3460 Telephone
843.720.3475 Facsimile
Email: JThompson@hallboothsmith.com

Counsel for Respondent

H|B|S HALL BOOTH SMITH, P.C.

Joseph D. Thompson, III | 40 Calhoun Street, Suite 550
P: (843) 720-3469 | Charleston, SC 29401
E: jthompson@hallboothsmith.com | W: www.hallboothsmith.com
P: (843) 720-3460 F: (843) 720-3458

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VIA U.S. MAIL

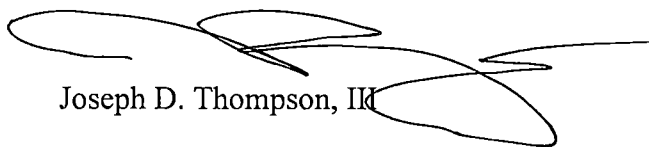
Honorable Jenny Abbott Kitchings, Clerk
The South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

Re: Margaret B. Moore v. Annabel Pougner and Jean Pougner
Appellate Case No.: 2015-001709
HBS File No.: 6765.0001

Dear Ms. Kitchings:

Enclosed please find the original and six copies of Respondent's Return to Appellant's Motion for Extension of Time in which to File Initial Brief in the above case. Please file the document and return a clocked copy to me in the enclosed self-addressed, stamped envelope. By copy of this correspondence to Appellant's counsel, I am serving him with a copy of same. Thank you for your assistance in this matter.

Sincerely,



Joseph D. Thompson, III

JDT,III/vr

Enclosures

cc: David Collins, Esq.

Hasler

FIRST-CLASS MAIL

02/10/2016

US POSTAGE

\$02.30⁰⁰



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HALL BOOTH SMITH, P.C.

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Suite 550
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