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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

RECEIVED

APR 14 2016

The Honorable Stephanie P. McDonald, Circuit Court Judge

SC Court of Appeals

Case No. 2010-CP-10-10490

I'On Assembly, Inc., Brad J. Walbeck, and Lea Ann Adkins, individually and derivatively on behalf of I'On Assembly, Inc.,

Respondents,

v.

The I'On Company, LLC, The I'On Club, LLC, The I'On Group, LLC f/k/a Civitas, LLC, and I'On Realty, LLC

Appellants.

RESPONDENTS' MOTION FOR EXTENSION

Pursuant to Rule 240, SCACR, Respondents request an extension of the deadline for filing and serving their Final Brief. The current deadline is April 12, 2016. Respondents request the Court extend the date for an additional ten (10) days in order to address changes to exhibits included in the Record on Appeal made by Appellants, and the need for corresponding changes to Respondents Final Brief, as well as time lost due to conflicts with Easter and Spring Break family vacations. Respondents' resulting deadline to file their Final Brief would be April 22, 2016. This is Respondents' first extension request regarding their Final Brief. Further, Respondents' counsel has conferred with and obtained the consent of Appellants' counsel.

JUSTIN O'TOOLE LUCEY, P.A.

By: _____

Justin O'Toole Lucey

Dabny Lynn

Joshua F. Evans

415 Mill Street

Mount Pleasant, SC 29464

Telephone: (843) 849-8400

Fax: (843) 849-8409

Attorneys for Respondent.

Mount Pleasant, SC

April 11, 2016

Josh Evans

From: Julie Moore <jmoore@duffyandyoung.com>
Sent: Tuesday, March 15, 2016 4:37 PM
To: Dabny Lynn; Josh Evans
Cc: Liane Marcotulli
Subject: Walbeck v. I'On - Record on Appeal

Dabny and Josh –

I apologize if I have not been emailing the right person over there regarding appeals. We are working on finalizing the Record now and I have a question regarding one exhibit:

Pl. Ex. 140 – You cited this exhibit a couple of different times in your brief. The email has almost 150 pages worth of attachments – all documents that are already in the record – including Walbeck’s sales contract, draft pleadings, and the Property Report. My reading of your citation to this exhibit is that you are putting into historical context the exchanges between the I’On Defendants and Russo – and that the date on this email is probably your point – as well as the list of documents attached.

Please consider whether the first page of the exhibit WCSR 002045 is sufficient. I think it is superfluous to include the attachments.

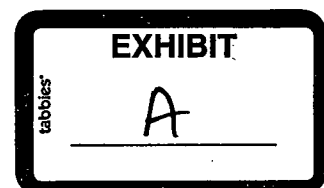
Liane has to get the Record to ProCopy tomorrow morning so I would appreciate your immediate attention.

Julie

Julie L. Moore | Attorney at Law | Duffy & Young, LLC
96 Broad Street | Charleston, SC | jmoore@duffyandyoung.com
o. 843.720.2044 | f. 843.720.2047 | www.duffyandyoung.com

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Respondents,

v.

The I'On Company, LLC; The I'On Club, LLC; The I'On Group, LLC f/k/a Civitas, LLC;
and I'On Realty, LLC,

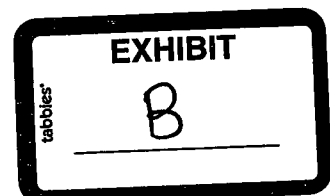
Appellants.

PROOF OF SERVICE

I, Liane Marcotulli, paralegal for Duffy & Young, LLC, certify that I have served the
RECORD ON APPEAL on Respondents on March 22, 2016 by hand delivery to their
attorneys of record as shown below:

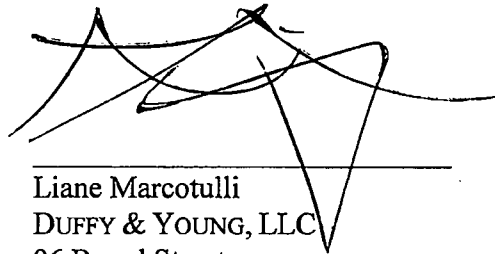
Justin O. Lucey, Esq.
Joshua F. Evans, Esq.
415 Mill Street
PO Box 806
Mount Pleasant, SC 29465
Phone: 843-849-8400

*Attorneys for Respondents Brad J. Walbeck, and Lea Ann Adkins,
individually and derivatively on behalf of I'On Assembly, Inc.*



Timothy W. Bouch, Esq.
Yancey A. McLeod, III, Esq.
Leath Bouch & Seekings
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Attorneys for Respondent I'On Assembly, Inc.



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(843) 720-2044 (phone)
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Paralegal

March 22, 2016
Charleston, South Carolina

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

The Honorable Stephanie P. McDonald, Circuit Court Judge

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Appellants.

PROOF OF SERVICE

I certify that I have served Respondents' Motion for Extension on Appellants by depositing a copy of it in the United States Mail, postage prepaid, on April 11, 2016, addressed to their attorneys of record as follows:

Brian C. Duffy, Esq. Seth W. Whitaker, Esq. Julie M. Rode, Esq. Duffy & Young, LLC 96 Broad Street Charleston, SC 29401	Timothy W. Bouch, Esq. Yancey A. McLeod, Esq. Amy M. DiLorenzo, Esq. Leath, Bouch & Seekings, LLP 92 Broad Street Charleston, SC 29401
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JUSTIN O'TOOLE LUCEY, P.A.

By: _____

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Dabny Lynn

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Attorneys for Respondents

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Justin Lucey
Joshua F. Evans
Stephanie D. Drawdy
Dabny Lynn
James L. Floyd, III

Reply to:
P.O. Box 806
Mount Pleasant, SC 29465

April 11, 2016

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APR 14 2016

SC Court of Appeals

VIA U.S. MAIL AND E-MAIL

Jenny Abbott Kitchings
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211
jkitchings@sccourts.org

Re: *Brad Walbeck v. The I'On Company*
Appellate Case No.: 2015-001590

Dear Ms. Kitchings:

Today we received your office's letter of April 7, 2016, regarding Respondents not yet having filed a Final Brief, which the Court calculates as having been due March 22, 2016. It appears as though there is some confusion regarding the due date of Respondents' Final Brief.

Appellants initially filed an incomplete Record on Appeal on March 2, 2016. Respondents subsequently received correspondence from Appellants' counsel on March 15, 2016, stating they were "working on finalizing the Record now" after having unilaterally swapped/changed several exhibits referenced in the Record. See correspondence attached hereto as Exhibit A.

Further, Appellants served, on March 22, 2016, a second, then-purported-final Record on Appeal with exhibits swapped/changed. See Proof of Service attached hereto as Exhibit B.

As such, Respondents believed the Record on Appeal was not yet complete until March 22, 2016, at which point the twenty-day response deadline began to run.

Nevertheless, Respondents herewith file a Motion for Extension of Time for Filing Respondents' Final Brief, as is necessary for Respondents to address the exhibit changes.

Please feel free to contact me should you have any questions or concerns regarding this matter.

Sincerely,

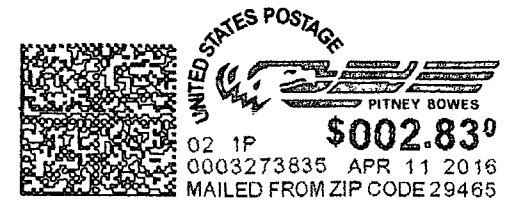
Joshua F. Evans

Jenny Abbott Kitchings

April 11, 2016

Page 2

cc: Brian C. Duffy, Esq.
Seth W. Whitaker, Esq.
Julie L. Moore, Esq.
Timothy W. Bouch, Esq.
Yancey A. McLeod, III, Esq.
Amy M. DiLorenzo, Esq.



JUSTIN O'TOOLE LUCEY, PA

ATTORNEYS AT LAW

415 MILL STREET • P.O. BOX 806 • MT. PLEASANT, SC 29465-0806

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SC Court of Appeals

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