

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Appellate Case No. 2016 – 001266

J. C. Nicholson, Jr., Circuit Court Judge

RECEIVED
SEP 16 2016
SC Court of Appeals

Case No. 2013-CP-10-1396

PERSONAL CARE, INC.Appellant,

vs.

JERRY N. THEOS; URICCHIO, HOWE, KRELL,
JOHNSON, TOPOREK THEOS & KEITH, PA;
CHERYL D. SHOUN; AND TAYLOR SHOUN,
BOWLEY & BYRD, LLC..... Respondents.

RESPONDENTS' JOINT MOTION TO FILE ORIGINAL PROOF OF SERVICE LATE AND
MOTION FOR 15-DAY EXTENSION OF TIME TO FILE A JOINT RETURN TO
APPELLANT'S MOTION TO AMEND APPEAL

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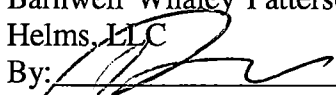
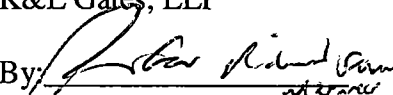

Pursuant to SCRCP Rule 240 and 263, Respondents' jointly file their motion (1) requesting that the Court of Appeals allow Respondents to file an original Proof of Service concerning Respondents' Joint Motion to Dismiss the Appeal Late and (2) requesting a 15-Day Extension of Time to File a Joint Return to Appellant's Motion to Amend Appeal.

Initially, Respondents served their Joint Motion to Dismiss and evidenced their service of the same via Respondents' transmittal letter filed with the Court; however, inadvertently, Respondents did not provide a separate Proof of Service. As Appellant presently asserts that the rules require a separate Certificate of Service to be filed with the Joint Motion, Respondents hereby request leave to allow them to file the original Certificate of Service of the Joint Motion to Dismiss late.

Second, Respondents respectfully request that the Court provide it with a 15-day extension until October 4th for Respondents to file a Joint Return to Appellant's Motion to Amend the Appeal. The basis for the motion is that the last Respondent did not receive the Appellant's Motion to Amend the Notice of Appeal until Friday, September 9th and Respondents request that they be allowed to file a Joint Return and require the additional time in order to coordinate with the multiple Respondents' counsel to prepare a Joint Return.

Respectfully submitted,

[SIGNATURES ON FOLLOWING PAGE]

<p>Barnwell Whaley Patterson & Helms, LLC</p> <p>By: </p> <p>M. Dawes Cooke, Jr. Phillip S. Ferderigos 288 Meeting Street, Suite 200 Charleston, SC 29401</p> <p><i>Attorneys for Jerry N. Theos and Uricchio, Howe, Krell, Jacobson, Toporek, Theos & Keith, P.A.</i></p>	<p>K&L Gates, LLP</p> <p>By:  <i>at 2:30 pm</i></p> <p>Richard A. Farrier, Jr. 134 Meeting Street, Suite 200 Charleston, SC 29401</p> <p><i>Attorney for Cheryl D. Shoun</i></p>	<p>By:  <i>T. L. ...</i></p> <p>Oana D. Johnson Attorney at Law 151 King Street Second Floor Charleston, SC 29401</p> <p><i>Attorney for Taylor Bowley and Byrd, LLC</i></p>
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Date: Sept 14, 2016

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CHERYL D. SHOUN; AND TAYLOR SHOUN,
BOWLEY & BYRD, LLC..... Respondents.

PROOF OF SERVICE

I hereby certify that on the 14th day of September, 2016, I served a copy of the foregoing Respondents' Joint Motion To File Original Certificate Of Service Late And Motion For 15-Day Extension Of Time To File a Joint Return To Appellant's Motion To Amend Appeal on counsel for the Appellant via U.S. Mail with sufficient postage, correctly addressed as follows:

PENDARVIS LAW OFFICES, P.C.
Thomas A. Pendarvis, Esq.
Catherine B. Kerney, Esq.
500 Carteret Street, Ste. A
Beaufort, SC 29902-5066

Barnwell Whaley Patterson & Helms, LLC

By: 
Phillip S. Ferderigos



Phillip S. Ferderigos, Partner
pferderigos@barnwell-whaley.com

September 14, 2016

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SC Court of Appeals

The Honorable Jenny Abbott Kitchings
Clerk, Court of Appeals
1220 Senate St
Columbia, SC 29201

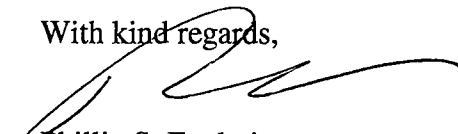
RE: Personal Care, Inc. v Jerry N. Theos; Uricchio, Howe, Krell, Johnson, Toporek, Theos & Keith, PA; Cheryl D. Shoun; and Taylor, Shoun, Bowley & Byrd
C/A No. 2013-CP-10-1396
Our File No. 59.014

Dear Ms. Kitchings:

Please find enclosed the original and seven copies of Respondents' Joint Motion to File Original Proof of Service Late and Motion for 15-Day Extension of Time to File a Joint Return to Appellant's Motion to Amend Appeal and Proof of Service with regard to the above referenced matter. Also enclosed is our check for \$25. Please file the original and six copies and return the seventh clocked copy to me in the enclosed envelope. By copy of this letter I am serving copies the same on all counsel of Record.

Thank you for your assistance.

With kind regards,



Phillip S. Ferderigos

Enc.

Cc w/enc.: Thomas A. Pendarvis, Esq.
Oana Dobrescu Johnson, Esq.
Richard A. Farrier, Jr., Esq.

PSF/bbm

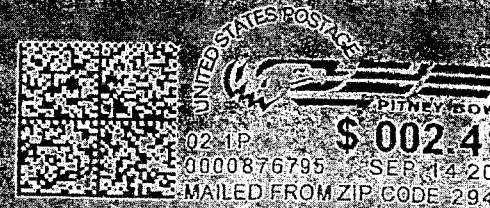
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REPRESENTING CLIENTS IN ALL COURTS IN SOUTH CAROLINA AND NORTH CAROLINA AND IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



**BARNWELL
WHALEY**
PATTERSON & HELMS LLC

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YEARS ■
1938-2013

P.O. Drawer H, Charleston, SC 29402-0197
59.014

The Honorable Jenny Abbott Kitchings
Clerk, Court of Appeals
1220 Senate St
Columbia, SC 29201

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