

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

Otha Delaney, Appellant,

v.

First Financial of Charleston, Inc., Respondent.

RECEIVED
OCT 20 2016
SC Court of Appeals

Appellate Case No. 2014-000824

Appeal from Charleston County
Stephanie P. McDonald, Circuit Court Judge

Opinion No. 5442
Submitted March 1, 2016 – Filed September 28, 2016

MOTION FOR EXTENSION OF TIME
TO FILE MOTION FOR REHEARING

The appellant, Otha Delaney, pursuant to Rule 263(b), SCACR, moves the court to extend the time for filing a motion for rehearing by appellant by fifteen (15) days. In support of the motion, the appellant shows the following to the Court:

1. Due to Hurricane Matthew, appellant's counsel requires additional time to draft an adequate motion for rehearing and supporting memorandum.
2. Although the Court's decision was apparently received in counsel's office on the afternoon of Friday, September 30, 2016, counsel was out of the state and did not personally receive a copy of the decision until the following Monday, October 3, 2016, as the hurricane bore down on Beaufort County, causing delays and interruptions in counsel's travel plans to return to the state.
3. Prior to his return home, Counsel and his wife (as well as his staff) were subject to mandatory evacuation orders effective on October 5, 2016, for Beaufort County. Reentry to Beaufort County was prohibited until October 11, 2016, at the earliest. Much of Beaufort County remained inaccessible for several more days.

4. Members of counsel's staff were without electrical power and/or water, or both, until the end of the week of October 10, 2016, at the earliest. Counsel's office lacked electrical power until approximately October 12, 2016, and, because of the necessity of replacing technology equipment, lacked reliable internet service until approximately October 14, 2016.

5. Counsel's home, and the homes of members of counsel's staff, needed repairs, mud and water removal, and clean-up, which required substantial personal time and effort up to and including this past weekend, in some cases despite the lack of power, water, and other necessities.

6. Although Appellant's counsel has endeavored to complete Appellant's motion for rehearing in a timely fashion, the lack of basic resources has made doing so impossible. As a result, counsel seeks a fifteen (15) day extension to file and serve the motion.

7. Counsel does not believe that the requested extension will prejudice the Appellee.

WHEREFORE, the appellant, by counsel, respectfully submits that good cause exists for the Court to extend the time for filing the Appellant's motion for rehearing by fifteen (15) days, which, with the extension, would allow the Appellant through and including November 1, 2016, to file and serve the motion.

ORIGINAL

Respectfully Submitted,

PHILIP FAIRBANKS, ESQ., P.C.

Philip Fairbanks SC Bar # 1943

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Beaufort, South Carolina 29902

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Beaufort, South Carolina

October 18, 2016

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PROOF OF SERVICE

I certify that I have served the foregoing Motion for Extension of Time to File Motion for Rehearing on Respondent by depositing a copy of it in the United States Mail, postage prepaid, on October 18, 2016, addressed to:

Stephen L. Brown, Esq.
Russell G. Hines, Esq.
Perry M. Buckner, IV, Esq.
YOUNG CLEMENT RIVERS, LLP
25 Calhoun St, Suite 400
Charleston, SC 29401

its attorneys of record.

PHILIP FAIRBANKS, ESQ., P.C.

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1214 King Street
Beaufort, SC 29902
Telephone: (843) 521-1580
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Attorney for the Appellant

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1. Due to Hurricane Matthew, appellant's counsel requires additional time to draft an adequate motion for rehearing and supporting memorandum.
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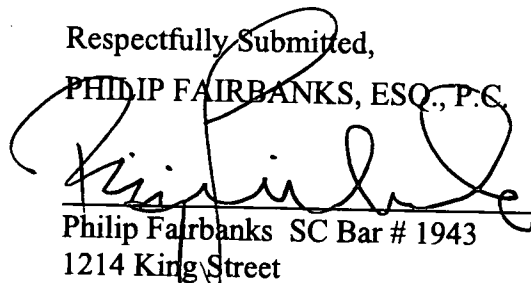
6. Although Appellant's counsel has endeavored to complete Appellant's motion for rehearing in a timely fashion, the lack of basic resources has made doing so impossible. As a result, counsel seeks a fifteen (15) day extension to file and serve the motion.

7. Counsel does not believe that the requested extension will prejudice the Appellee.

WHEREFORE, the appellant, by counsel, respectfully submits that good cause exists for the Court to extend the time for filing the Appellant's motion for rehearing by fifteen (15) days, which, with the extension, would allow the Appellant through and including November 1, 2016, to file and serve the motion.

Respectfully Submitted,

PHILIP FAIRBANKS, ESQ., P.C.



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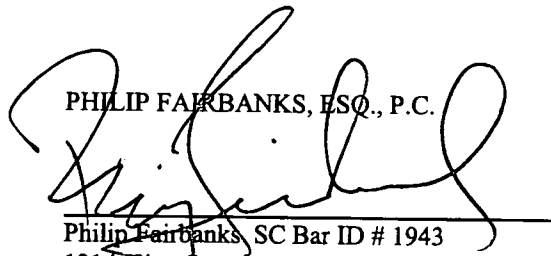
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October 18, 2016

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

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Re: *Otha Delaney v. First Financial of Charleston, Inc.*, App. Case No.: 2014-000824
Opinion No.: 5442 September 28, 2016

Dear Ms. Kitchings:

Enclosed for filing with the Court, please find the original and six copies of:

1. Appellant's Motion for Extension of Time to File Motion for Rehearing on behalf of Otha Delaney; and,
2. Proof of Service on counsel for First Financial of Charleston, Inc.,

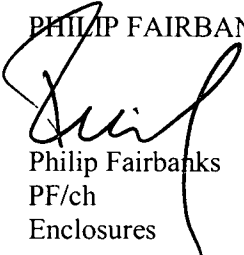
along with six (6) copies of each, in compliance with Rules 224 and 263 of the S.C. Appellate Court Rules. Also enclosed is my law firm's check for the filing fee in the amount of \$25.00.

I would be grateful for your acknowledgement of receipt by your office of these documents, either by mail or e-mail, at the addresses provided above.

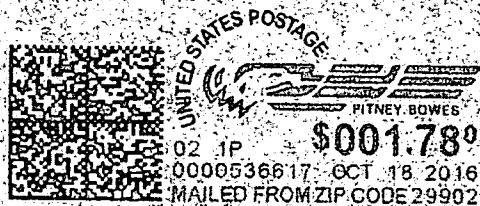
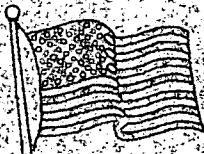
With warm regards, I am,

Sincerely,

PHILIP FAIRBANKS, ESQ., P.C.

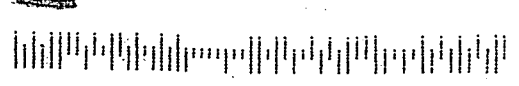

Philip Fairbanks
PF/ch
Enclosures

FIRM

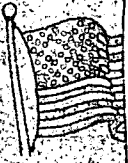


Jenny Kitchings
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