

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM UNION COUNTY
John C. Few, Circuit Court Judge

Op. No. 4637
(S.C. Ct. App. re-filed May 20, 2010)

RECEIVED

NOV - 8 2012

S.C. Supreme Court

Shirley's Iron Works, Inc.,
and Tindall Corporation,

Respondents,

v.

City of Union, South Carolina,
Gilbert Group, LLC and William E. Gilbert,

Defendants,

Of whom, City of Union, South Carolina is,

Petitioner.

**MOTION FOR EXTENSION
TO FILE REPLY BRIEF**

The Petitioner City of Union moves this Court for an additional ten day extension of time until November 19, 2012, by which to file the Reply Brief.

The motion is based on the following grounds:

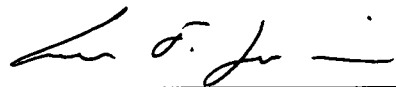
1. The Reply Brief is currently due to be filed and served on November 8, 2012.

2. Counsel for the Petitioner requires additional time to complete the preparation of the Reply Brief because of other deadlines and obligations including a brief that was filed with the Fourth Circuit Court of Appeals on November 5, 2012, and a brief due to be filed in the South Carolina Court of Appeals on November 9, 2012 in a complex medical malpractice action. Those obligations as well as other deadlines have prevented the undersigned from meeting the current deadline in this case.

3. Counsel for the Respondents have consented by email to the requested extension.

WHEREFORE, the Petitioner City of Union respectfully requests that it be allowed additional time, through and including November 19, 2012, by which to file and serve its Reply Brief.

DAVIDSON & LINDEMANN, P.A.

BY: 

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AND

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Counsel for Petitioner City of Union

Columbia, South Carolina

November 8, 2012

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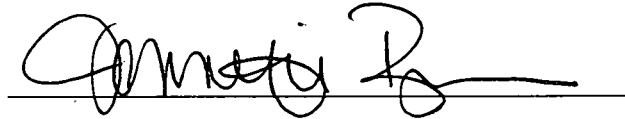
CERTIFICATE OF SERVICE

The undersigned employee of Davidson & Lindemann, P.A., attorneys for the Petitioner, does hereby certify that service of the **Motion for Extension to File Reply Brief** was made upon the below listed counsel of record placing copies in the United States Mail, first class postage prepaid, at the below listed addresses clearly indicated on said envelope this the 8th day of November 2012:

N. Ward Lambert, Esquire
R. Patrick Smith, Esquire
Harper, Lambert & Brown
Post Office Box 908
Greenville, South Carolina 29602

Boyd B. Nicholson, Jr., Esquire
Haynsworth, Sinkler, Boyd, P.A.
Post Office Box 2048
Greenville, South Carolina 29602

William E. Whitney, Jr., Esquire
Post Office Box 266
Union, South Carolina 29379

A handwritten signature in black ink, appearing to read "William E. Whitney, Jr.", is written over a horizontal line. The signature is cursive and includes a long horizontal flourish at the end.

DAVIDSON & LINDEMANN, P.A.

ATTORNEYS AND COUNSELLORS AT LAW

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†Certified Mediator

November 8, 2012

Writer's Email: alindemann@dml-law.com

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S.C. Supreme Court

Hand Delivered

The Honorable Daniel E. Shearouse
Clerk of Court
South Carolina Supreme Court
1231 Gervais Street
Columbia, South Carolina 29201

RE: Shirley's Iron Works, Inc. and Tindall Corporation v. City of Union, South Carolina,
Gilbert Group, LLC and William E. Gilbert
Supreme Court Tracking Number: 2010-170066
Civil Action Number: 2003-CP-44-171B
Claim Number: A301583
Our File Number: 321.6239

Dear Mr. Shearouse:

Please find enclosed for filing the original and seven copies of the **Motion for Extension to File Reply Brief** in the above referenced matter. Please file the original and return a clocked-in copy to me by way of my courier. I have also enclosed my firm's \$25.00 check for the filing fee.

By copy of this letter, I am serving copies on all counsel of record.

Thank you for your assistance in this matter.

Sincerely,

DAVIDSON & LINDEMANN, P.A.



Andrew F. Lindemann

AFL/jmb
Enclosures

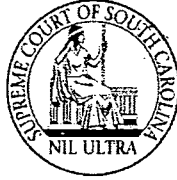
The Honorable Daniel E. Shearouse
November 8, 2012
Page Two

cc: (w/ Enclosure)

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The Supreme Court of South Carolina

Davidson & Lindemann

11/09/2012

RECEIPT #66168

Case No: 2010-170066
Case Short Title: Shirley's Iron Works v. City of Union
Event:
Fee Type: Motion Fee
Amount: \$25.00
Payment Type: Check
Reference No: 23537
Check/Money Order Date: 11/08/2012
Comments: