

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

Charles B. Simmons, Jr., Master-in-Equity, Circuit Court Judge

Case No. 2015-CP-23-02597

State of South Carolina on the relation of Walter W. Wilkins, III, Solicitor of the Thirteenth Circuit,..... Respondent,

v.

Elephant Inc., Gregory Kenwood Gaines, and Frontage Road Associates, Defendants, of whom Elephant Inc., and Gregory Kenwood Gaines are,..... Appellants.

MOTION FOR SECOND EXTENSION OF TIME TO FILE RESPONDENT'S INITIAL
BRIEF & DESIGNATION OF MATTER ON APPEAL

RECEIVED

DEC 08 2016

SC Court of Appeals

13TH Circuit Solicitor Walter W. Wikins, III
Deputy Solicitor Andrew Culbreath
For Respondent State of South Carolina
305 East North Street, Suite 325
Greenville, SC 29601
(864) 467-8647

Counsel for the Respondent, State of South Carolina on the relation of Walter W. Wilkins, III, Solicitor of the Thirteenth Circuit, ("Respondent"), hereby moves for a second extension of time in which to serve and file its Initial Brief and Designation of Matter on Appeal in the present case.

Due to counsel's present case load, unexpected personnel management issues, and the recent court filing by the landowner of the subject property in this litigation, an extension of time is necessary to adequately prepare the State's response to the issues raised in Appellants' Initial Brief. The instant motion is Respondent's second request for an extension of time to respond to Appellant's Initial Brief.

The undersigned counsel certifies that this request is not intended to cause undue delay and is necessary to prepare and present a proper response on the part of Respondent. Accordingly, Respondent moves for an additional thirty (30) days to file its Initial Brief and Designation of Matter on Appeal. The new due date for Respondent's Initial Brief would be January 13, 2016. Respondent further moves that the time period for filing its Initial Brief be stayed pending a decision on this motion. Appellant has previously indicated its consent to this motion.

RESPONDENT STATE OF SOUTH CAROLINA
ON THE RELATION OF THE 13TH CIRCUIT SOLICITOR

By: 

Andrew Culbreath, Deputy Solicitor
Thirteenth Judicial Circuit Solicitor's Office
305 East North Street, Suite 325
Greenville, SC 29601
(864) 467-8647
(S.C. Bar No. 14107)
aculbreath@greenvillecounty.org

5 Dec, 2016
Greenville, South Carolina

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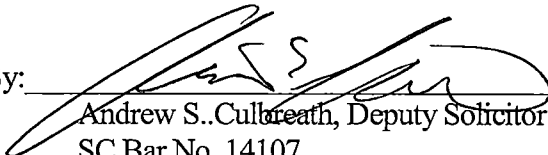
PROOF OF SERVICE

I certify that I have served the Motion for Extension of Time to Respond to Appellants' Initial Brief & Serve the Designation of Matter on Appeal in the above-captioned matter by depositing a copy of it in the United States Mail, postage prepaid, and addressed to its attorneys of record:

Thomas R. Goldstein
Bellk Cobb Infinger & Goldstein, PA
PO Box 71121
N. Charleston, SC 29415-1121

H. Louis Sirkin, *pro hac vice*
Santen & Hughes
600 Vinte Street, Suite 2700
Cincinnati, OH 45202

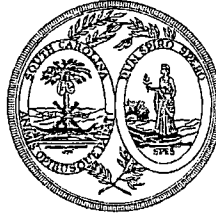
STATE OF SOUTH CAROLINA
SOLICITOR OF THE THIRTEENTH CIRCUIT

By: 
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6 Dec, 2016
Greenville, South Carolina

State of South Carolina
Solicitor, Thirteenth Judicial Circuit

Telephone: 864-467-8647
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Greenville County Courthouse
305 E. North Street, Suite 325
Greenville, SC 29601-2185

Solicitor
W. WALTER WILKINS

RECEIVED

December 6, 2016

DEC 08 2016

SC Court of Appeals

Honorable V. Claire Allen
Deputy Clerk of Court
S.C. Court of Appeals
P.O. Box 11629
Columbia, S.C. 29211

Re: *State of South Carolina v. Elephant, Inc. and Gregory Kenwood Gaines, and Frontage Road Associates, Defendants, of whom Elephant Inc., and Gregory Kenwood Gaines are Appellants*
Civil Action No. 2015-CP-23-02597

Dear Ms. Allen:

Enclosed are the original and two copies of a Motion for Second Extension of Time to File Respondent's Initial Brief & Designation of Matter on Appeal and Proof of Service. Please file the originals and return two clocked copies in the enclosed self-addressed stamped envelope.

Sincerely,

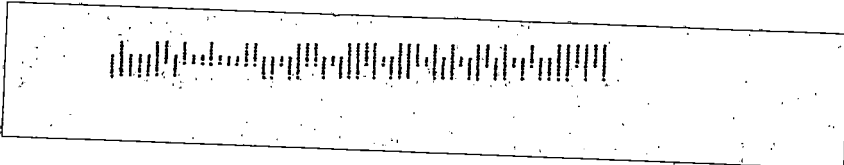
A handwritten signature in black ink, appearing to read "Andrew S. Culbreath".

Andrew S. Culbreath
Deputy Solicitor
Thirteenth Judicial Circuit

Cc: Thomas R. Goldstein
H. Louis Sirkin, *pro hac vice*

ASC/kmt

J



Greenville P&DC 2935
TUE 06 DEC 2016 PM

W. WALTER WILKINS, SOLICITOR
 Thirteenth Judicial Circuit
 Greenville County Courthouse
 305 E. North Street, Suite 325
 Greenville, SC 29601-2185

Honorable V. Claire Allen
 Deputy Clerk of Court
 SC Court of Appeals
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