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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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SC Court of Appeals

APPEAL FROM ANDERSON COUNTY
Court of Common Pleas

R. Lawton McIntosh, Circuit Judge

Appellate Case No. 2016-001653

William Rice Cook, III,.....Appellant,

v.

Benny Richard Phillips, Jr., and the real property located at 207 North Avenue,
Anderson, SC 29625 TMS # 123-26-08-02.....Respondents.

MOTION FOR EXTENSION OF TIME TO SERVE AND FILE
APPELLANT'S INITIAL BRIEF AND
DESIGNATION OF MATTER TO BE INCLUDED IN RECORD ON APPEAL

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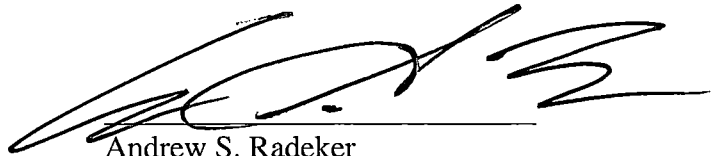
Attorneys for Appellant

Appellant hereby moves pursuant to Rule 263(b), SCACR, for a 30-day extension of the time in which to serve and file Appellant's Initial Brief and Designation of Matter to be Included in the Record on Appeal in this case. The grounds for this motion are that there is good cause to grant the requested extension, as the following shows:

1. The deadline for service and filing of Appellant's Initial Brief and Designation of Matter to be Included in the Record on Appeal is currently January 9, 2017.
2. This is the second extension that Appellant has sought in this appeal.
3. Because of time spent away from work for the Christmas and New Year's holidays, as well as a very full schedule of hearings and drafting that has been happening since workdays resumed this month, the undersigned has not had and likely will not have adequate time to draft the Appellant's initial brief between now and the current due date for the same.
4. Opposing counsel consents to the requested extension, as the attached email exchange shows.
5. Appellant's counsel believes there is good cause to grant the requested 30-day extension to February 8, 2017.

WHEREFORE Appellant prays for an order extending the time in which to serve and file Appellant's Initial Brief and Designation of Matter to be Included in the Record on Appeal for thirty days.

Respectfully submitted,



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Attorneys for Appellant

January 5, 2017

Drew Radeker

From: Michael Mullinax <mikemullinax@charter.net>
Sent: Thursday, January 5, 2017 12:05 PM
To: Drew Radeker
Cc: 'Daniel Draisen'; 'Laura Mullinax'
Subject: RE: Cook v. Phillips appeal

Drew,

You have my consent. I am leaving for Hawaii on the 17th, so you can get 30 days. I will be gone for 10 days, so please don't serve the Brief while I am away.

Call me on receipt of this email.

Mike

Michael F. Mullinax

Mullinax Law Firm, P.A.

Post Office Box 2665

Anderson, SC 29622

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mikemullinax@charter.net

CONFIDENTIALITY NOTE: THIS E-MAIL HAS BEEN SENT FROM A LAW FIRM. IT CONTAINS CONFIDENTIAL AND PRIVILEGED INFORMATION AND IS INTENDED SOLELY FOR THE USE OF PERSON OR PERSONS NAMED ABOVE. IF YOU ARE NOT AN INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION OR DUPLICATION OF THIS E-MAIL IS PROHIBITED AND THAT THERE SHALL BE NO WAIVER OF ANY PRIVILEGE OR CONFIDENCE BY YOUR RECEIPT OF THIS TRANSMISSION. THIS LAW FIRM EXPRESSLY RESERVES ANY AND ALL PRIVILEGES AND CONFIDENCES CONCERNING THIS E-MAIL.

If you are not the named addressee, you are not authorized to read, print, retain, copy or disseminate this message or any part of it. If you have received this message in error, please notify the sender immediately either by phone (864) 261-6242 or reply to this e-mail and delete all copies of this message.

From: Drew Radeker [mailto:Drew@harrisonfirm.com]
Sent: Thursday, January 05, 2017 11:16 AM
To: mikemullinax@charter.net
Cc: Daniel Draisen (ddraisen@kmdlawyers.com)
Subject: Cook v. Phillips appeal

Mike:

With the combination of the duties and revelries of Yuletide and a chockablock schedule now that I have returned from them, I need another extension for the brief and designation deadline.

May I tell the court you consent to the extension?

Thank you.

P.S. – I just tried to call your office, but I got a message that the call could not be completed as dialed. I checked the number, and it was the one on the Supreme Court's website for you.

Drew Radeker

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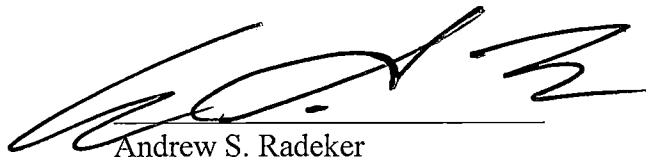
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PROOF OF SERVICE

I certify that I served the foregoing motion for extension of time by depositing a copy of it on the date shown below in the United States Mail, postage prepaid, addressed as follows:

Michael F. Mullinax, Esq.
Mullinax Law Firm, P.A.
P.O. Box 2665
Anderson, SC 29622

January 5, 2017



Andrew S. Radeker

LAW OFFICES
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January 5, 2017

VIA HAND DELIVERY

The Hon. Jenny Abbott Kitchings
Clerk of Court, Court of Appeals of South Carolina
1220 Senate Street
Columbia, South Carolina 29201

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SC Court of Appeals

Re: William Rice Cook, III v. Benny Richard Phillips, Jr., et al.
Appellate Case No.: 2016-001653

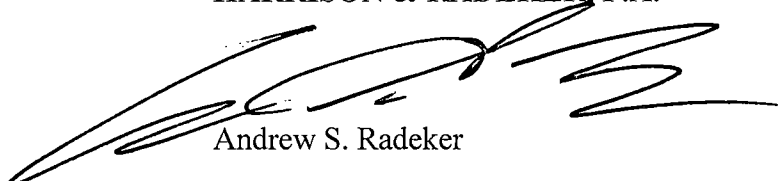
Dear Ms. Kitchings:

Enclosed herewith for filing in the above-referenced case are an original and seven copies of a motion for extension of time, with attached proof of service thereof. Also enclosed is this firm's check in the amount of \$25.00 as the motion fee.

Kindly file these documents and return a file-stamped copy to this office in the stamped and addressed envelope enclosed. Of course, if you or your staff have any questions or concerns, please do not hesitate to contact me.

With kind regards, I am,

Very truly yours,
HARRISON & RADEKER, P.A.


Andrew S. Radeker

ASR/

Enclosures

cc: Daniel L. Draisen, Esq.
Timothy A. Nowacki, Esq.
Michael F. Mullinax, Esq.

J