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SC Court of Appeals

**STATE OF SOUTH CAROLINA
IN THE
COURT OF APPEALS**

Appeal from the Court of Common Pleas
For Beaufort County
Honorable Marvin H. Dukes, III, Master-In-Equity
Civil Action No.: 2007-CP-07-3212
Appellate Case No.: 2016-001277

H. Marshall Hoyler,

Appellant,

v.

The State of South Carolina; Merry Land Properties, LLC; Sherbert Living Trust; Supan Living Trust; Elizabeth R. Levin, Edward McCray Wise Revoc. Living Trust; Carol Ann DeVries Wise Revoc. Living Trust; Amelie Cromer; Philip Cromer; Robert Chiavello; Tocharoen Living Trust; Helen M. Olesak; Lesley Anne Glick a/k/a Lesley Ann Glick; Shirley G. Lackey; Patricia Banfield; Bertrand Cooper, Jr.; NHP SH South Carolina I, LLC n/k/a CCP Bayview 7176 LLC; Oyster Cove Homeowners Ass'n; Shirley Ann Moyer; Barry D. Malphrus; Garry D. Malphrus; Donnie Malphrus; Rita Brown; Houston Family Partnership – Joan Taylor Trustee; Michael Bull; Nancy Bull; Marny H. VonHarten; Dianne M. Donaldson; Brian R. Evans; Stephen Durbin; Valerie Durbin; Phillip Marti; Jane Marti; Michael Woodworth; Georgiana M. Cooke; Daniel B. Walsh; and Janet E. Walsh,

Respondents.

**MOTION FOR EXTENSION OF TIME IN WHICH TO
FILE INITIAL RESPONDENT'S BRIEF AND DOM by the
RESPONDENT, MERRY LAND PROPERTIES, LLC**

Stephen P. Groves, Sr., Esquire
Mary D. Shahid, Esquire
Angelica M. Colwell, Esquire
NEXSEN PRUET, LLC
205 King Street, Suite 400
Charleston, South Carolina 29401
Telephone: 843.720.1725
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E-Mail: sgroves@nexsenpruet.com

*Attorneys for the Respondent,
Merry Land Properties, LLC*

TO: THE HONORABLE JUDGES OF THE SOUTH CAROLINA COURT OF APPEALS

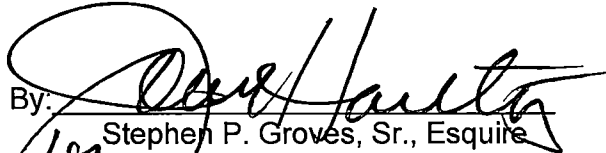
COMES NOW the Respondent, Merry Land Properties, LLC ("Merry Land"), pursuant to Rule 240 of the South Carolina Appellate Court Rules, and respectfully requests this Court of Appeals to grant it a thirty-day (30) extension of time in which to file Merry Land's Initial Respondent's Brief and Designation of Matter to be Included in the Record on Appeal (the "DOM") in this appellate case. The basis for this motion is the advent of the recent Christmas and New Year's holidays, as well as the fact Merry Land's appellate counsel are involved in other appellate and trial matters at this time and need the additional time in which to complete Merry Land's Initial Respondent's Brief and the DOM.

Based upon the current briefing schedule Merry Land's Initial Respondent's Brief and DOM are currently due on or before Tuesday, 3 January 2017, as the 30th day after service of the Appellant's Initial Brief and DOM fell on Sunday, 1 January 2017, with 2 January 2017, as the official New Year's observation day). Consequently, anticipating a favorable reception and subsequent grant of this extension motion, Merry Land's Initial Respondent's Brief and DOM would then be due on or before Thursday, 2 February 2017.

Finally, Merry Land respectfully requests this Court of Appeals to hold the briefing time in abeyance until such time as this Court of Appeals has the opportunity to consider and rule upon this motion

Respectfully submitted,

NEXSEN PRUET, LLC

By: 

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*Attorneys for the Respondent,
Merry Land Properties, LLC*

Charleston, South Carolina

3 January 2017

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Respondents.

**Proof of Service for the
MOTION FOR EXTENSION OF TIME IN WHICH TO
FILE INITIAL RESPONDENT'S BRIEF AND DOM**

Stephen P. Groves, Sr., Esquire
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*Attorneys for the Respondent,
Merry Land Properties, LLC*

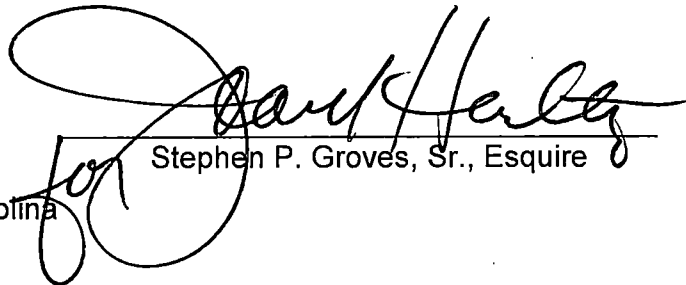
I, Stephen P. Groves, Esquire, hereby certify that on 3 January 2017, I served a copy of the *Motion for Extension of Time in Which to File Initial Respondent's Brief and Designation of Matter* submitted by the Respondent, Merry Land Properties, LLC, on counsel for the Petitioner and the Respondents via the United States Mail, postage pre-paid, and addressed as follows:

Jefferson D. Griffith, III, Esquire
Richard L. Whitt, Esquire
AUSTIN & ROGERS, P.A.
508 Hampton Street, Suite 300
Columbia, South Carolina 29201

Attorneys for the Appellant

J. Emory Smith, Jr., Esquire
*SOUTH CAROLINA OFFICE OF
THE ATTORNEY GENERAL*
1000 Assembly Street
Columbia, South Carolina 29201

*Attorneys for the Respondent,
State of South Carolina*

A large, stylized handwritten signature in black ink, appearing to read "Stephen P. Groves, Sr.", is written over a horizontal line. The signature is highly cursive and loops around the line.

Stephen P. Groves, Sr., Esquire

Charleston, South Carolina

3 January 2017

NPCHAR1:1849509.1-MO-(SPG) 048740-00001

NEXSEN | PRUET

Joan W. Hartley
Special Counsel
Admitted in SC, NC

January 3, 2017

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
1015 Sumter Street
Columbia, SC 29201

Re: *H. Marshall Hoyler v. The State of South Carolina, et al.*
Civil Action No. 2007-CP-07-3212
Appellate Case No. 2016-001277

Dear Ms. Kitchings:

Enclosed for filing are the original and seven copies of Motion for Extension of Time in Which to File Initial Respondent's Brief and DOM by Respondent Merry Land Properties, LLC and the Proof of Service in the above-referenced matter. Please return a clocked-in copy of each via our courier. Also enclosed is our firm's check for the \$25 filing fee.

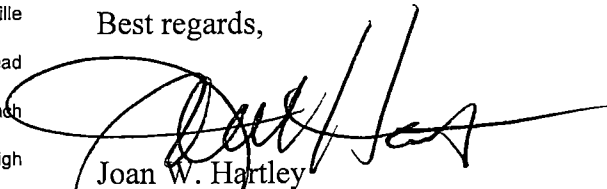
Charleston
Charlotte

Columbia
Greensboro

By copy of this letter, we are serving same on counsel of record. Thank you for your assistance in this matter

Greenville
Hilton Head
Myrtle Beach
Raleigh

Best regards,



Joan W. Hartley
JWH/dh

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cc: Jefferson D. Griffith, III, Esquire
Richard L. Whitt, Esquire
J. Emory Smith, Jr., Esquire

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HAND DELIVERED

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