

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM YORK COUNTY
Court of Common Pleas

S. Jackson Kimball, Master in Equity for York County

Appellate Case No. 2016-000451

William G. Tucker, Respondent,

v.

Connie Lynn Batey, Appellant.

OPPOSITION TO MOTION FOR EXTENSION OF TIME

Pursuant to Rule 240 and Rule 260(a), S.C.A.C.R., the Respondent, by his counsel herein, opposes the Appellant's Motion for Extension of Time, on the grounds stated below.


1. Appellant filed her Notice of Appeal on February 29, 2016.
2. On July 20, 2016, Appellant filed a Motion for Extension of Time or to File Outside Time.
3. On August 5, 2016, Respondent filed a Motion to Dismiss Appeal. The Court of Appeals denied the Motion to Dismiss on September 26, 2016, and remanded the case to the York County Court of Common Pleas.
4. After remand, on November 30, 2016, Appellant filed a second Motion for Extension of Time or to File Outside Time. This Motion was granted by the Court.

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5. On December 27, 2016, Appellant filed a third Motion for Extension of Time or to File Outside Time. The Court granted this Motion on January 4, 2016, extended Appellant's deadline until January 27, 2016, and stated: "No further extensions will be granted absent extraordinary circumstances."
6. On January 28, 2016, Appellant filed a fourth Motion for Extension of Time or to File Outside Time. Respondent contends that "extraordinary circumstances" have not been demonstrated.
7. Rule 260(a), S.C.A.C.R. states that "whenever it appears that an appellant . . . has failed to comply with the requirements of these Rules, the clerk shall issue an order of dismissal, which shall have the same force and effect as an order of the appellate court."
8. Appellant has filed four Motions for Extension of Time or to File Outside of Time, beginning in July, 2016. On January 4, 2016, the Court specifically stated in its Order that no further extensions of time would be granted without extraordinary circumstances. Appellant fails to provide any facts supporting a showing of extraordinary circumstances in her January 28, 2016 Motion.
9. Furthermore, Appellant filed her January 28, 2016 Motion for Extension of Time or to File Outside of Time a day *after* the Court's January 27, 2016 deadline.
10. Appellant's Notice of Appeal was filed on February 29, 2016, approximately eleven (11) months from the date of filing of this Opposition.
11. The extensions granted to Appellant are excessive and the extensive delay in the appeal is resulting in prejudice to the Respondent. Appellant voluntarily chose to file an appeal in this case and has continuously failed to pursue the appeal.

WHEREFORE, the Respondent herein opposes Appellant's Motion for Extension of Time or to File Outside of Time, and requests the appeal be dismissed, as set out above, pursuant to Rule 240 and Rule 260(a), S.C.A.C.R.

January 31, 2017



Brian McCoy
378 East Main Street
Rock Hill, SC 29730
803-366-2280
Attorney for Respondent

Other Counsel of Record:

cc: John Martin Foster
P.O. Box 106
Rock Hill, SC 29731
803-324-8100
Attorney for Appellant

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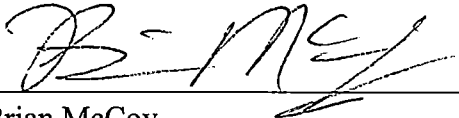
PROOF OF SERVICE

I certify that I have served the Opposition to Motion For Extension of Time on the following counsel or person of record:

John Martin Foster
P.O. Box 106
Rock Hill, SC 29731
803-324-8100
Attorney for Appellant

By depositing the same with the United States mail, with sufficient first class postage attached, properly addressed to those attorney(s) and/or persons set out above, pursuant to Rule 262, S.C.A.C.R.

January 31, 2017



Brian McCoy
378 East Main Street
Rock Hill, SC 29730
803-366-2280
Attorney for Respondent

McCoy Law Firm, LLC

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SC Court of Appeals

January 31, 2017

The Honorable Jenny Abbott Kitchings
Clerk of the South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Re: William G. Tucker vs. Connie Lynn Batey
Case No.: 2016-000451

Dear Ms. Kitchings:

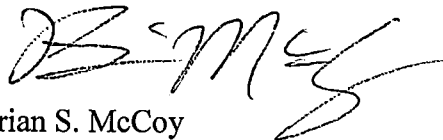
Enclosed herewith please find the original and seven (7) copies of the Respondent's Opposition to Motion for Extension of Time, together with the Proof of Service for the same in the above reference case.

By copy of this letter, I am serving the attorney for the Appellant with copies of the said Motion, as evidenced by the Proof of Service.

Please return the extra filed copy to my office in the enclosed self-addressed, stamped envelope.

Very Truly Yours,

McCOY LAW FIRM, LLC

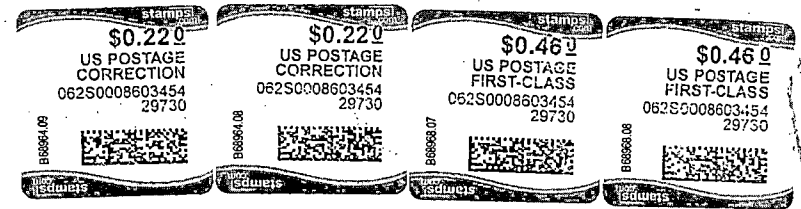


Brian S. McCoy

BSM:mep
Enclosures

CC: John Martin Foster, Esq.

McCoy Law Firm, LLC
378 East Main Street
Rock Hill, SC 29730



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