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THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM ANDERSON COUNTY  
Court of Common Pleas

FEB 08 2017

SC Court of Appeals

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

Andrew S. Radeker  
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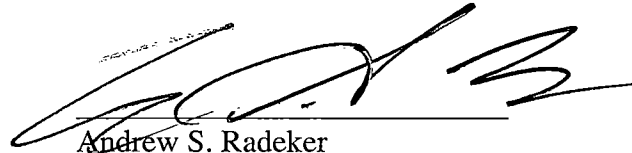
Attorneys for Appellant

Appellant hereby moves pursuant to Rule 263(b), SCACR, for a 20-day extension (to February 28, 2017) 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 today, February 8, 2017.
2. This is the third extension that Appellant has sought in this appeal.
3. At the time the last extension of this deadline was granted, Appellant's counsel was not aware that a number of other court events and deadlines would be scheduled around this time. Dealing with those events and meeting those deadlines has prevented the undersigned from being able to finish the brief by today.
4. A 20-day extension of this deadline should be sufficient to provide for completion of the brief.
5. Opposing counsel has graciously consented to the requested extension, as the attached email exchange shows.
6. Appellant's counsel believes there is good cause to grant the requested 20-day extension to February 28, 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 by 20-days, to February 28, 2017.

Respectfully submitted,



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Attorneys for Appellant

February 8, 2017

## Drew Radeker

---

**From:** Michael Mullinax <mikemullinax@charter.net>  
**Sent:** Tuesday, February 7, 2017 9:45 AM  
**To:** Drew Radeker  
**Cc:** lauratennis@charter.net  
**Subject:** RE: Cook v. Phillips appeal

No Problem. I consent.  
Mike

*Michael F. Mullinax*

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Post Office Box 2665  
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P: (864) 261-6242  
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[mikemullinax@charter.net](mailto:mikemullinax@charter.net)

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**From:** Drew Radeker [<mailto:Drew@harrisonfirm.com>]  
**Sent:** Tuesday, February 07, 2017 7:42 AM  
**To:** Michael Mullinax  
**Cc:** 'Daniel Draisen'; 'Laura Mullinax'  
**Subject:** RE: Cook v. Phillips appeal

Mike:

I hope you had an enjoyable vacation. It looks like I will need one more extension of the brief and designation deadline, but I don't need a full 30 days. Would you consent to a 20-day extension, i.e., through February 28? I only seek that long of one because my brother and his family will be coming up to visit with us on Presidents' Day weekend and I have a spate of hearings in the meantime.

Thank you.

Drew Radeker

### **HARRISON & RADEKER, P.A.**

ATTORNEYS AT LAW

*Real Estate / Property Disputes · Foreclosure · Media Law · Zoning · Criminal Defense · Appeals  
Personal Injury · Consumer Law · Mediation/Arbitration · False Arrest · Commercial Litigation*

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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

February 8, 2017



Andrew S. Radeker

LAW OFFICES  
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James C. Harrison, Jr.\*  
Andrew S. Radeker  
Taylor M. Smith IV

\* Mediator/Arbitrator

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(803) 779-2211  
(803) 779-6700 (FAX)

February 8, 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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FEB 08 2017

SC Court of Appeals

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

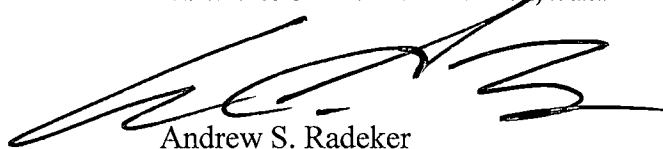
Dear Ms. Kitchings:

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.