

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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APPEAL FROM NEWBERRY COUNTY
Court of Common Pleas

MAR 24 2017

Donald B. Hocker, Circuit Court Judge

SC Court of Appeals

Appellate Case No. 2016-001773

West/Hobby, LLC, Respondent,

v.

County of Newberry, Appellant.

**APPELLANT COUNTY OF NEWBERRY'S
MOTION FOR EXTENSION
OF TIME WITHIN WHICH TO FILE AND SERVE
ITS INITIAL BRIEF AND
DESIGNATION OF MATTER TO BE
INCLUDED IN THE RECORD**

YOU WILL PLEASE TAKE NOTICE that, pursuant to Rules 208, 209, and 240 of the South Carolina Appellate Court Rules, the Appellant County of Newberry, by and through its undersigned attorney, moves to extend the due date in which to file and serve its Initial Brief and Designation of Matter from March 24, 2017 to April 7, 2017. This motion is the Appellant's second request for extension—the first request was by letter dated February 16, 2017 and granted by Order dated February 21, 2017—and is made on the grounds that in the four week extension the undersigned attorney's efforts in completing the Brief and Designation of Matter have been interrupted by congested case-load commitments including seven days of out of town depositions, one out of town hearing on summary judgment in York, one day of out of office mediation, two

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days of status conferences in Lexington Court of Common Pleas and U.S. District Court, and the State High School Mock Trial Competition for the Lexington High School Mock Trial team the undersigned attorney coaches, all of which have severely diminished the time for preparation of the Appellant's Brief. Although the undersigned is well along in preparation of the Brief, it is not completed, and additional time is required.

The undersigned is informed and believes that the Brief of Appellant and Designation of Matter will be completed within the additional fourteen days requested, and that the Respondent will not be prejudiced by the extension sought by this Motion.

As indicated above, this is the second request for extension of time by the Appellant.

DAVIS FRAWLEY, LLC

BY: 

Patrick J. Frawley, S.C. Bar No. 2118
140 East Main Street (29072)
Post Office Box 489
Lexington, South Carolina 29071-0489
Telephone: 803-359-2512
pat@oldcourthouse.com
ATTORNEYS FOR APPELLANT

Lexington, South Carolina
March 23, 2017



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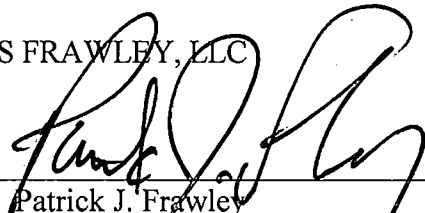
County of Newberry,.....Appellant.

PROOF OF SERVICE

I certify that I have served the Appellant's Motion for Second Extension of Time Within Which To File and Serve Its Initial Brief and Designation of Matter on West/Hobby, LLC by depositing a copy of it in the United States Mail, postage prepaid on March 23, 2017, addressed to their attorney of record, Benjamin C. Bruner, Esquire, Bruner, Powell, Wall & Mullins, LLC, P.O. Box 61110, Columbia SC 29260-1110.

DAVIS FRAWLEY, LLC

BY:



Patrick J. Frawley
140 East Main Street (29072)
Post Office Box 489
Lexington, South Carolina 29071-0489
Telephone: 803-359-2512
pat@oldcourthouse.com
ATTORNEYS FOR APPELLANT

Lexington, South Carolina
March 23, 2017

James Randall Davis
Patrick J. Frawley
Jeff M. Anderson
John J. McCauley ◊
Carey M. Ayer Δ
Ryan M. Wingard
Evan M. Gessner

Of Counsel
Robert K. Bouknight
George S. Nicholson, Jr.

Davis | Frawley ^{LLC}

Attorneys at Law

Francis C. Jones
(1919 – 1968)

Hubert E. Long
(1921 – 2000)

Since 1961

Direct Dial: (803) 951-7419
pat@oldcourthouse.com

◊ American Board of Trial Advocates
Δ Certified Circuit Court Mediator

March 23, 2017

The Honorable Jenny Abbott Kitchings
Clerk of Court
S.C. Court of Appeals
P.O. Box 11629
Columbia, SC 29211

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SC Court of Appeals

RE: *West/Hobby, LLC, Respondent, v. County of Newberry, Appellant;*
Appellate Case No. 2016-001773.

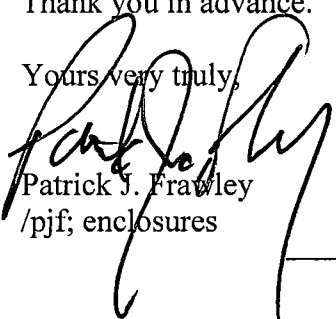
Dear Ms. Kitchings:

I am the attorney for the Appellant County of Newberry in the referenced appeal, and Benjamin C. Bruner is the attorney for the Respondent West/Hobby, LLC. I have enclosed the original and seven copies of the Appellant's Motion for Extension of Time for the filing and service of the Initial Brief of Appellant and Designation of Matter in the referenced appeal, with proof of service attached, along with our law firm check in the amount of \$25.00 to cover the cost of processing the Motion, requesting an additional fourteen (14) days, through April 7, 2017. My grounds for requesting the extension are set forth in the Motion. I would appreciate you filing the original and six copies, and returning the seventh copy to me, clocked-in, in the enclosed self-addressed stamped envelope. This is our second request for an extension, with the first request having been by letter dated February 16, 2017.

By copy of this letter to Counsel for the Respondent, West/Hobby, LLC, I am apprising him of my request for extension.

Thank you in advance.

Yours very truly,


Patrick J. Frawley
/pjf; enclosures

Old Courthouse Place | 140 East Main Street | Post Office Box 489
Lexington, South Carolina 29071-0489
Telephone: (803) 359-2512 | Facsimile: (803) 359-7478 | www.oldcourthouse.com

J

The Honorable Jenny Abbott Kitchings

Clerk of Court, S.C. Court of Appeals

RE: *West/Hobby, LLC, Respondent, v. County of Newberry, Appellant*
Appellate Case No. 2016-001773

March 23, 2017

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cc: Benjamin C. Bruner, Esquire
Bruner, Powell, Wall & Mullins, LLC
PO Box 61110,
Columbia SC 29260-1110

Mr. Wayne Adams

A. J. Tothacer, Jr., Esquire



Davis | Frawley LLC
Attorneys at Law

140 East Main Street
Old Courthouse Place
P.O. Box 489, Lexington, SC 29071

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