

66331

RECEIVED

NOV 21 2012

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

The Honorable Steven H. John, Circuit Court Judge

Civil Action No. 2010-CP-26-08505
Appellate Case No. 2011-187747
Opinion No. 5041

Carolina First Bank n/k/a TD Bank, NA, Respondent,
v.

BADD, LLC, William McKown and Charles A.
Christenson, Defendants,

Of whom BADD, LLC and William McKown are Appellants.

BADD, LLC and William McKown, Third-Party Plaintiffs,

v.

William Rempher, Third-Party Defendant.

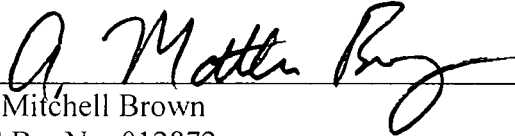
**MOTION FOR EXTENSION OF TIME TO FILE
THE PETITION FOR REHEARING**

Carolina First Bank n/k/a TD Bank, NA ("TD Bank") hereby respectfully requests an extension of time to file the Petition for Rehearing in the above-captioned appeal. This is TD Bank's second extension request with respect to this deadline. Currently, the petition is due on November 26, 2012. Due to the Thanksgiving holiday and unexpected work obligations that arose in other matters, counsel for TD Bank needs five (5) additional days to file the petition. With the additional time, the Petition will now be due

on December 3, 2012. Counsel for Appellants consents to this request. (See attached email string). A check for the filing fee is submitted herewith.

Respectfully submitted,

NELSON MULLINS RILEY & SCARBOROUGH LLP

By:  _____

C. Mitchell Brown

SC Bar No. 012872

E-Mail: mitch.brown@nelsonmullins.com

Thomas William McGee, III

SC Bar No. 11317

E-Mail: billy.mcgee@nelsonmullins.com

A. Mattison Bogan

SC Bar No. 72629

E-Mail: matt.bogan@nelsonmullins.com

1320 Main Street / 17th Floor

Post Office Box 11070 (29211-1070)

Columbia, SC 29201

(803) 799-2000

Attorneys for Carolina First Bank n/k/a TD Bank, NA

Columbia, South Carolina
November 21, 2012

Matt Bogan

From: Rick Gleissner <rick@gleissnerlaw.com>
Sent: Wednesday, November 21, 2012 3:40 PM
To: Matt Bogan
Subject: RE: TD Bank v. BADD, et. al.

Matt,

I do consent. In fact, I don't think I have ever not consented to a request for additional time.

I think you need to get something from the court but I'm not sure.

Thanks and good luck,
Rick

From: Matt Bogan [<mailto:Matt.Bogan@nelsonmullins.com>]
Sent: Wednesday, November 21, 2012 3:23 PM
To: rick@gleissnerlaw.com
Subject: TD Bank v. BADD, et. al.

Mr. Gleissner,

In the above-referenced matter, our petition for rehearing is due on November 26, 2012. Our prior extension request put the deadline after the Thanksgiving holiday. Due to my travel schedule over the holiday and some urgent matters that have arisen on other cases this week, I was hoping you might consent to a request for five (5) more days for me to file our petition? With the additional time, the petition would be due on December 3, 2012. Your kind consideration and courtesy on this request is much appreciated. Thanks and have a happy Thanksgiving. Regards, Matt

Matt Bogan
Nelson Mullins
803-255-9589

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED
NOV 21 2012

APPEAL FROM Horry COUNTY
Court of Common Pleas

SC Court of Appeals

The Honorable Steven H. John, Circuit Court Judge

Case No. 2010-CP-26-08505

Carolina First Bank n/k/a TD Bank, NA, Respondent,

v.

BADD, LLC, William McKown and Charles A.
Christenson, Defendants.

Of whom BADD, LLC and William McKown are Appellants.

BADD, LLC and William McKown, Third-Party Plaintiffs,

v.

William Rempher, Third-Party Defendant.

PROOF OF SERVICE

I, the undersigned, of the law offices of Nelson Mullins Riley & Scarborough LLP, attorneys for Carolina First Bank n/k/a TD Bank, NA, do hereby certify that I have served all counsel in this action with a copy of the pleading(s) hereinbelow specified by to the following address(es):

Pleadings:

Respondent's Motion for Extension to File Petition for Rehearing

Counsel Served:

Richard R. Gleissner, Esquire
Gleissner Law Firm
3610 Landmark Drive, Suite G
Columbia, SC 29204

C. Leigh Andrew, Esquire
Newby Sartip Masel & Casper, LLC
4593 Oleander Drive, Suite 100
Myrtle Beach, SC 29577



Lisa P. Whitehurst
Administrative Assistant

November 21, 2012