

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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JUN 21 2017

Appeal from Dorchester County
Court of Common Pleas

S.C. SUPREME COURT

Diane Schafer Goodstein, Circuit Court Judge

Unpublished Opinion No. 2016-UP-519 (S.C. Ct. App. filed Dec. 21, 2016)

Live Oak Village Homeowners
Association, Inc.; Jennifer McFarland;
Carlton Holcombe and Ute Holcombe,

Plaintiffs,

Of whom Live Oak Village Homeowners
Association, Inc.; Jennifer McFarland and
Carlton Holcombe are

Petitioners,

v.

Thomas Morris; David Hannemann;
Sofia Mazell and Michael Mazell,

Respondents.

Sofia Mazell and Michael Mazell,

Third-Party Plaintiffs,

v.

William McFarland,

Third-Party Defendant.

MOTION FOR EXTENSION OF TIME TO FILE/SERVE REPLY

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Counsel for Petitioners

NOW COME Petitioners, Live Oak Village Homeowners Association, Inc.; Jennifer McFarland and Carlton Holcombe, by and through their undersigned counsel, pursuant to Rule 263(b), SCACR, as well as the Court's order of July 16, 2014, regarding Extensions in Cases Seeking a Petition for a Writ of Certiorari to Review a Decision of the South Carolina Court of Appeals, and hereby move for an extension of five (5) days' time to file/serve a reply in further support of their petition for a writ of certiorari in this matter.

1. Throughout the appellate history of this matter, the two sets of Respondents represented by different counsel—the Mazells being one set, Messrs. Morris and Hannemann being the other—have filed separate briefs, and in keeping with this practice, two returns were filed in opposition to the subject petition: one by the Mazells, served May 11, 2017, the other, the more recent of the two, by Messrs. Morris and Hannemann, served Friday, June 9, 2017.

2. Petitioners would like to file a single reply that addresses both returns, and based off the service date of the most recent return, Petitioners' reply deadline is today, Monday, June 19, 2017, pursuant to Rule 242(g), SCACR.¹

¹ Petitioners understand that more than ten days have passed since the Mazells' return was served. Accordingly, if it is more appropriate for the Court to consider this a motion to file/serve a reply out of time in regard to the Mazells, Petitioners would ask that the Court do so, and Petitioners would submit that good cause exists to grant such relief. To be clear, the instant motion does *not* ask the Court to allow Petitioners to file a separate reply as to the Mazells, *nor* does it ask the Court to allow it to exceed the page limit for a single reply. Petitioners seek

3. Due to other time commitments, primarily on account of the concurrence of Petitioners' time for reply under Rule 242(g) triggered by the service of Messrs. Morris and Hannemann's return on Friday, June 9, 2017, and the undersigned's recent family vacation, which took him out of state from Monday, June 12, through Sunday, June 18, 2017, counsel for Petitioners requests an extension of five (5) days beyond today's date (i.e., beyond Monday, June 19, 2017) to file/serve a reply.

4. The undersigned submits that there is good cause for the Court to allow the requested dispensation: It is in furtherance of the interests of justice; it will not work any undue prejudice upon any other party; and it is consistent with the extension protocol established by the Court's aforementioned order of July 16, 2014.

WHEREFORE, Petitioners respectfully request that this Honorable Court allow them five (5) days from today (June 19, 2017), i.e., through Monday, June 26, 2017, according to the undersigned's calculations,² to file/serve a single reply


only to file one reply, its total length no more than the fifteen pages allowed under Rule 242(g).

² See Rule 263(a), SCACR ("In computing any period of time prescribed or allowed by these Rules, by order of court, or by any applicable statute, the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday or a state or federal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor such holiday.

addressing the returns filed in this matter. Additionally, Petitioners respectfully request that the Court hold their present deadline in abeyance until it acts upon this motion.

Respectfully submitted,
YOUNG CLEMENT RIVERS, LLP

By:

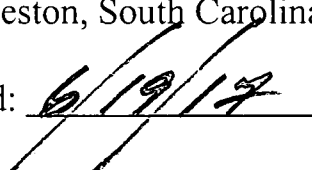


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Counsel for Petitioners

Charleston, South Carolina

Dated:



When the period of time prescribed or allowed is less than seven (7) days, intermediate Saturdays, Sundays and holidays shall be excluded in the computation.” (emphasis added).

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PROOF OF SERVICE

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I, Russell G. Hines, of Young Clement Rivers, LLP, counsel for Petitioners, hereby certify that the **MOTION FOR EXTENSION OF TIME TO FILE/SERVE REPLY** was served on all other parties to this matter by depositing a copy of same in the U.S. Mail on June 19, 2017, properly posted for delivery to the following addressees:

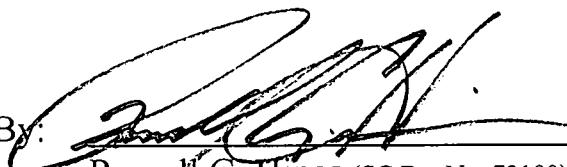
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Respectfully submitted,
YOUNG CLEMENT RIVERS, LLP

By: 

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Counsel for Petitioners

Charleston, South Carolina

Dated: 6/19/17