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**STATE OF SOUTH CAROLINA
IN THE
COURT OF APPEALS**

Appeal from the Court of Common Pleas
For Beaufort County
Honorable Carmen T. Mullen, Circuit Judge
Civil Action No.: 2015-CP-07-00913

RECEIVED
NOV 27 2017
SC Court of Appeals

IN THE MATTER OF THE ESTATE OF JOHN JOSEPH MANNING, Jr.

Deanna Bushman, as Holder of Durable Power of Attorney
for Sally Manning and as Trustee of the Trust Agreement for
Sally Manning Dated 6 December 2004,

Respondent,

v.

The Estate of John Joseph Manning, Jr., John J. Manning, III,
Christopher Manning, and Linda Manning,

Appellants.

**JOINT MOTION FOR LEAVE TO ORDER TRANSCRIPT
OUT-OF-TIME *and* FOR EXTENSION OF TIME
TO FILE INITIAL BRIEF AND DESIGNATION OF MATTER**

R. Bruce Wallace, Esquire
S.C. Bar. No.: 011653
Stephen P. Groves, Sr., Esquire
S.C. Bar. No.: 007854
NEXSEN PRUET, LLC
205 King Street, Suite 400
Charleston, South Carolina 29401
Telephone: 843.720.1725
Telecopier: 843.414.8206
E-Mail: SGroves@nexsenpruet.com
BWallace@nexsenpruet.com

Attorneys for the Appellants

✓

TO: THE HONORABLE JUDGES OF THE SOUTH CAROLINA COURT OF APPEALS:

COMES NOW the Appellants, The Estate of John Joseph Manning, Jr., John J. Manning, III, Christopher Manning, and Linda Manning (the "Manning Family"), pursuant to Rule 240 of the South Carolina Appellate Court Rules, and respectfully requests this Court of Appeals to grant them (a) leave to order the summary judgment hearing transcript out-of-time, as well as (b) a thirty-day extension of time in which to file the Manning Family's *Initial Brief of Appellants* and the *Designation of the Matters to be Included in the Record on Appeal*.

As to the first motion, the undersigned counsel for the Manning Family requested a copy of the transcript from the court reporter on 19 September 2017, a week or so prior to filing the Notice of Appeal in this matter.¹ As the appeal had not yet been filed, notice of the transcript order, while provided to the Respondent's counsel and to South Carolina Court Administration, was not simultaneously (or subsequently) provided to this Court of Appeals or to the Circuit Court. Nevertheless, the undersigned received the transcript from the court reporter on 13 November 2017.

As to the second motion request, the basis for this motion is that the Manning Family's appellate counsel is involved in other appellate and trial matters at this time and needs the additional time in which to complete the Initial Appellants' Brief and the DOM, especially in light of the quickly approaching Thanksgiving, Christmas, and New Year's holiday periods. Based upon the current briefing schedule the Manning Family's Initial Appellants' Brief and DOM are currently due on or before Wednesday, 13

¹ See Letter from R. Bruce Wallace, Esquire to Ms. Wanda H. Rowe dated 19 September 2017, a copy of which is attached hereto as Exhibit "A".

December 2017. Consequently, anticipating a favorable reception and subsequent grant of this extension motion, the Manning Family's Initial Appellants' Brief and DOM would then be due on or before Friday, 12 January 2018.

Finally, the Manning Family respectfully requests this Court of Appeals to hold the briefing time in abeyance until such time as this joint motion may be considered and ruled upon.

Respectfully submitted:

NEXSEN PRUET, LLC

By: 

R. Bruce Wallace, Esquire

S.C., Bar No.: 011653

Stephen P. Groves, Sr., Esquire

S.C. Bar No.: 007854

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Charleston, South Carolina

21 November 2017

NPCOL1:6339584.1-PG-(SPG) 059181-00001

Exhibit A

NEXSEN | PRUET

R. Bruce Wallace
Member
Admitted in SC

September 19, 2017

Ms. Wanda H. Rowe
Court Reporter for Fourteenth Circuit
Post Office Box 146
Beaufort, SC 29901-0146

Re: In the Matter of the Estate John Joseph Manning, Jr.
Deanna Bushman v. The Estate of John J. Manning, Jr., et al.
Case No.: 2015-CP-07-00913
NP File No.: 059181-00001

Dear Ms. Rowe:

Please allow this letter to serve as a formal request for the transcript of the hearing on the Motion for Summary Judgment, which was held on July 11, 2017 in Beaufort County before the Honorable Carmen T. Mullen in the above referenced matter. Please notify me if pre-payment is required for the transcript. If advance payment is not required, I look forward to receipt of the transcript with your invoice.

Charleston

Charlotte

Columbia

Greensboro

Greenville

Hilton Head

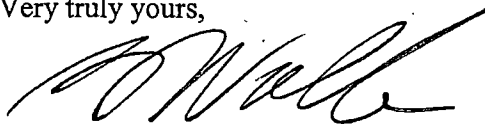
Myrtle Beach

Raleigh

In accordance with Rule 607, SCACR, I am copying Plaintiff's attorney, as well as the Office of South Carolina Court Administration.

With kind regards, I am

Very truly yours,



R. Bruce Wallace
RBW/bke

cc: J. Ashley Twombly, Esquire
South Carolina Court Administration

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Nexsen Pruet, LLC
Attorneys and Counselors at Law

**STATE OF SOUTH CAROLINA
IN THE
COURT OF APPEALS**

Appeal from the Court of Common Pleas
For Beaufort County
Honorable Carmen T. Mullen, Circuit Judge
Civil Action No.: 2015-CP-07-00913

RECEIVED

IN THE MATTER OF THE ESTATE OF JOHN JOSEPH MANNING, Jr. NOV 27 2017

Deanna Bushman, as Holder of Durable Power of Attorney
for Sally Manning and as Trustee of the Trust Agreement for
Sally Manning Dated 6 December 2004,

SC Court of Appeals

Respondent,

v.

The Estate of John Joseph Manning, Jr., John J. Manning, III,
Christopher Manning, and Linda Manning,

Appellants.

**PROOF OF SERVICE FOR THE
JOINT MOTION FOR LEAVE TO ORDER TRANSCRIPT
OUT-OF-TIME and FOR EXTENSION OF TIME TO
FILE INITIAL BRIEF AND DESIGNATION OF MATTER**

R. Bruce Wallace, Esquire
S.C. Bar. No.: 011653
Stephen P. Groves, Sr., Esquire
S.C. Bar. No.: 007854
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BWallace@nexsenpruet.com

Attorneys for the Appellants

I, Stephen P. Groves, Sr., Esquire, hereby certify that on 21 November 2017, I served a copy of the **Joint Motion for Leave to Order Transcript Out-Of-Time and for Extension of Time to File Initial Appellants' Brief and Designation of Matter** submitted by the Appellants, The Estate of John Joseph Manning, Jr., John J. Manning, III, Christopher Manning, and Linda Manning, on counsel for the Respondent via the United States Mail, postage pre-paid, and addressed as follows:

J. Ashley Twombly, Esquire
Jennifer A. Campbell, Esquire
TWENGE + TWOMBELEY LAW FIRM
311 Carteret Street
Beaufort, South Carolina 29902
Telephone: 843.982.0100

Attorneys for the Respondent

Signed: 

Stephen P. Groves, Sr.

Charleston, South Carolina

21 November 2017

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Stephen P. Groves, Sr.
Member
Admitted in SC

21 November 2017

VIA UNITED STATES POSTAL SERVICE

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NOV 27 2017

SC Court of Appeals

The Honorable Jenny Abbott Kitchings
Clerk of Court
SOUTH CAROLINA COURT OF APPEALS
1220 Senate Street
Columbia, South Carolina 29201

Re: IN THE MATTER OF THE ESTATE OF JOHN JOSEPH MANNING, JR.
Deanna Bushman, as Holder of Durable Power of Attorney
Sally Manning and as Trustee of the Trust Agreement for
Sally Manning Dated 6 December 2004 v. The Estate of
John Joseph Manning, Jr.; John Joseph Manning, III;
Christopher Manning; and Linda Manning

Appeal from the Beaufort County Court of Common Pleas
Case Action No.: 2015-CP-07-0913
(Previous Probate Ct. No. 2014ES0700930)
Appellate Case Tracking No.: 2017-002019
NP File No.: 059181-00001

Charleston

Charlotte

Columbia

Greensboro

Greenville

Hilton Head

Myrtle Beach

Raleigh

Dear Ms. Kitchings:

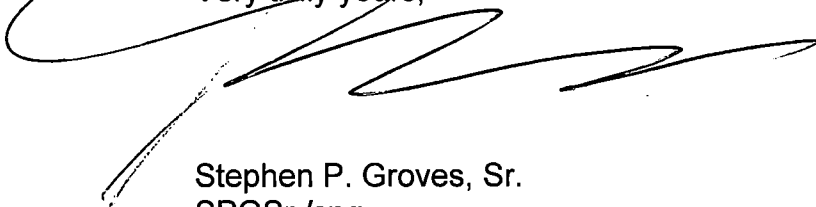
Pursuant to Rule 240, SCACR, please find enclosed the original and seven copies of a Joint Motion for Leave to Order Transcript Out-Of-Time and for Extension of Time in Which to File Initial Brief and DOM in the above-referenced consolidated appellate matters. I also enclose a Proof of Service indicating service of the Joint Motion for Leave to Order Transcript Out-Of-Time and for Extension of Time in Which to File Initial Brief and DOM and the Proof of Service upon counsel for the Respondent. Finally, I enclose our firm check in the amount of \$25.00 as payment for the filing fee. (Since this is a joint motion, if the Court of Appels requires an additional \$25.00 filing fee, please let me know and I will have it delivered by courier from our Columbia Office as soon as can be done).

Honorable Jenny Abbott Kitchings
Clerk of Court
21 November 2017
Page 2 of 2

I would greatly appreciate you filing the **Joint Motion for Leave to Order Transcript Out-Of-Time and for Extension of Time in Which to File Initial Brief and DOM** and the **Proof of Service** with the Court of Appeals and returning a date stamped copy of each to my attention in the enclosed self-addresses, stamped envelope.

If you need anything else or I otherwise may be of any assistance to you or to the Court of Appeals regarding this matter, please feel free to contact me at your convenience. My direct telephone number is 843.720.1725, direct telecopier is 843.414.8206, and the e-mail is sgroves@nexsenpruet.com.

Very truly yours,



Stephen P. Groves, Sr.
SPGSr./spg
Enclosures

cc: J. Ashley Twombly, Esquire
Jennifer A. Campbell, Esquire
Elizabeth B. Mayo, Esquire

NPCOL1:6339793.1-LT-(SPG) 059181-00001

Hasler

FIRST-CLASS MAIL

11/21/2017

US POSTAGE \$002.45⁰⁰



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Charleston SC 29402

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Clerk of Court
South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201

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