

APPELLANTS' MOTION FOR EXTENSION OF TIME TO FILE INITIAL BRIEF

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

Benjamin H. Culbertson, Circuit Court Judge

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JAN 08 2018

SC Court of Appeals

Case No. 2015-CP-26-6423

William F. O'Neil III, as Special
Administrator of the Estate of Robert
Thomas Mathis, deceased,

Respondent,

v,

James Cook and Jericha Cook,

Appellants.

APPELLANTS' SECOND MOTION
FOR EXTENSION OF TIME TO FILE INITIAL BRIEF

YOU WILL PLEASE TAKE NOTICE that Appellants by and through their undersigned attorneys, hereby moves this Honorable Court, for an extension of time requesting a thirty day extension of time to file Appellants' initial brief.

The grounds for this Motion are as follows:

1. Appellants' initial brief was originally due on or about December 9, 2017. Due to the lengthy nature of the transcript and the Holiday season, Appellants counsel requested a thirty day extension to file Appellants' initial brief which was granted making Appellants' initial brief due on January 10, 2018.

2. Appellants' initial brief is currently due on or about January 10, 2018. Appellants' counsel's office was closed on Monday, January 1, 2018, for the New Year's Holiday. Appellants' counsel's office was closed early on January 3, 2018, and closed all day on January 4, 2018, due to



the weather conditions in the Myrtle Beach area which caused schools to be closed and freezing road conditions. Court and government offices were also closed for some period during the week due to the inclement weather conditions.

3. Due to the delays caused by weather conditions and the Holiday season, Appellants counsel is respectfully requesting a thirty day extension to file Appellants' initial brief which would make Appellants' initial brief due on February 9, 2018.

This motion is supported by the South Carolina Rules of Civil Procedure, applicable case law, the trial transcript and exhibits, and any affidavits and/or additional memoranda submitted in support of the Motions and any other materials the Court may receive at or prior to the hearing on these Motions.

For the reasons stated herein and upon oral argument, Plaintiffs request that the Court grant a thirty day extension making Appellants' initial brief due on February 9, 2018.

Respectfully submitted,



Ian D. Maguire, Esquire

SC Bar No.: 66587

P. Brooke Eaves Wright, Esquire

SC Bar No.: 102021

MAGUIRE LAW FIRM

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Attorneys for Appellants

Myrtle Beach, South Carolina

1/5, 2018

Other Counsel of Record:

G. Michael Smith, Esquire

Post Office Box 1740

Conway, South Carolina 29528

(843) 248-5741

Attorney for Respondent

CERTIFICATE OF SERVICE

I, the undersigned, of the Maguire Law Firm, attorneys for Appellants, hereby certify that I have served the foregoing documents this the 5th day of January 2018 via US Mail to the following individual(s) at the following addresses:

DOCUMENTS SERVED:

- **Appellants' Second Motion for Extension of Time to File Initial Brief**
- Proof of service of Appellants' Second Motion for Extension of Time upon the Respondent;
- 6 Copies of the Appellants' Second Motion for Extension of Time; and
- Requisite \$25.00 filing fee

INDIVIDUALS SERVED:

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
1220 Senate Street
Columbia SC 29201

G. Michael Smith, Esquire
Thompson & Henry, PA
Post Office Box 1740
Conway, SC 29528
Attorney for Respondent

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SC Court of Appeals

SERVED BY:



Brook Freeman
Paralegal for Ian D. Maguire, Esquire
MAGUIRE LAW FIRM
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*Ian D. Maguire**
Brooke Eaves Wright
Brittney E. Jones

**Licensed in North & South Carolina*

P. BROOKE EAVES WRIGHT, ESQUIRE
 Eaves@maguirelawfirm.com

January 5, 2018

VIA CERTIFIED US MAIL

The Honorable Jenny Abbott Kitchings
 Clerk of Court
 South Carolina Court of Appeals
 1220 Senate Street
 Columbia SC 29201

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SC Court of Appeals

R.F: William F. O'Neil III, as Special Administrator of the Estate of Robert Thomas Mathis,
 deceased v. James Cook and Jericha Cook
 Docket No: 15-CP-26-6423
 ML File No.: 12-IM-206-AA

Dear Ms. Kitchings:

Enclosed herein for filing is the Appellants' Second Motion for Extension of Time to File Initial Brief. In addition to the Appellants' Second Motion for Extension of Time to File Initial Brief, please find enclosed copies of the following:

- (1) Proof of service of Appellants' Second Motion for Extension of Time to File Initial Brief upon the Respondent;
- (2) 6 Copies of the Appellants' Second Motion for Extension of Time to File Initial Brief;
and
- (3) Requisite \$25.00 filing fee

We are respectfully requesting for clocked copies of Appellants' Second Motion for Extension of Time to File Initial Brief to be returned in the enclosed self-addressed stamped envelope. By copy of this letter and enclosed documents, I am notifying counsel for the Respondent of this communication with the Court.

With kind regards, I am,
 Sincerely,

P. Brooke Eaves Wright

P. Brooke Eaves Wright, Esquire

Enclosure

cc: G. Michael Smith, Esquire

RECEIVED

JAN 08 2018

SC Court of Appeals

SECURITY FEATURES INCLUDE TRUE WATERMARK PAPER, HEAT SENSITIVE ICON AND FOIL HOLOGRAM

MAGUIRE LAW FIRM LLC
 OPERATING ACCOUNT
 1600 N OAK STREET SUITE B
 MYRTLE BEACH SC 29577

TD BANK
 87-219/539

14744

1/5/2018

PAY TO THE ORDER OF South Carolina Court of Appeals

\$ **25.00

Twenty-Five and 00/100

DOLLARS

VOID AFTER 60 DAYS

MEMO Filing Fee to file Motion

South Carolina Court of Appeals
 P.O. Box 11629
 Columbia SC 29211

ALIB VALID V
 NON VALID V
 ALIB VALID V
 NON VALID V

AUTHORIZED SIGNATURE

Jan Maguire

MAGUIRE LAW FIRM LLC / OPERATING ACCOUNT
 South Carolina Court of Appeals

14744

1/5/2018

to file Motion-Jericha Jade Cook 12.50
 to file Motion-James Cook 12.50

(33/35) 01/05/2018 04:27:27 PM -0500

Brooke E FAXLINE1