

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

J.C. Nicholson, Jr., Circuit Court Judge

Case No. 2015-CP-10-3919

Appellate Case No. 2017-002032

RECEIVED
JAN 22 2018
SC Court of Appeals

Athan Fokas.....Respondent,

v.

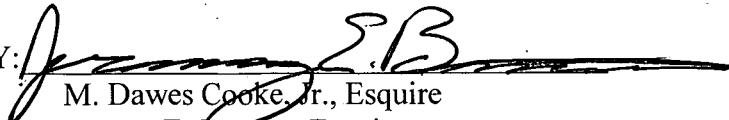
Phillip Ferderigos, Spiros Ferderigos,
and Jacob Ferderigos..... Defendants,

of Whom

Spiros Ferderigos is..... Appellant.

**Second Consent Motion for Extension of Time to Serve Initial Brief and Designation of Matter
for Inclusion in Record on Appeal**

BARNWELL WHALEY PATTERSON & HELMS, LLC

BY: 

M. Dawes Cooke, Jr., Esquire
Jeremy E. Bowers, Esquire
288 Meeting Street, Suite #200 (29401)
Post Office Drawer H
Charleston, SOUTH CAROLINA 29402
PHONE: (843) 577 - 7700

ATTORNEYS FOR SPIROS FERDERIGOS

January 17, 2018
Charleston, South Carolina

Other counsel of Record:

Jennifer H. Thiem, Esquire
K&L Gates LLP
134 Meeting Street, Suite #500
Charleston, SC 29401
(843) 579-5638
Attorney for Phillip Ferderigos

John A. Massalon, Esquire
Wills Massalon & Allen, LLC
97 Broad Street
Charleston, SC 29401
(843) 727-1144
Attorney for Jacob Ferderigos

Leslie S. Lenhardt, Esquire
Lenhardt Law Firm, LLC
1876 Wallenberg Blvd.
Charleston, SC 29407
(843) 371-5453, Ext. 702
Attorney for Respondent

Stanley E. Barnett, Esquire
305 North Civitas Street
Mt. Pleasant, SC 29464
(843) 884-1031
Attorney for Respondent

Andrew Haselden, Esquire
Howser, Newman & Besley, LLC
215 East Bay Street, Suite #303
Charleston, SC 29401
(843) 216-6940
Attorney for Respondent

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COMES NOW, the Appellant, Spiros Ferderigos (“Appellant”), with the written consent of counsel for the Respondent, pursuant to Rule 240 of the South Carolina Appellate Court Rules, and respectfully moves this Court of Appeals for a thirty (30) day extension of time to serve his initial brief and designation of matters for inclusion in record on appeal for the reasons and good cause set forth below:

1. Pursuant to Rule 208(a)(1) and Rule 209(a), SCACR, Appellant’s Initial Brief and Designation of Matters for Inclusion in the Record are due to be filed on or before February 2, 2017.

2. Appellant previously received a sixty (60) day extension of time to serve his Initial Brief and Designation of Matters for Inclusion in the Record.

3. Appellant files this motion requesting an additional thirty (30) day extension to file his Initial Brief and Designation of Matters for Inclusion in the Record with the written consent of counsel for the Respondent and with the written consent of counsel for Appellant Phillip Ferderigos.

4. Appellant has taken exception to numerous rulings from the lower court that resulted in the grant of summary judgment against the Appellant.

5. The issues involved in the appeal require extensive research and briefing.

6. M. Dawes Cooke, Jr., attorney for Appellant, started a multi-week trial in federal court on January 16, 2018, and has spent considerable time over the last month in preparation for said trial. Appellant's other counsel, Jeremy E. Bowers, is expecting the birth of his first child at the end of February, but due to unforeseen complications and after consultations with a perinatal specialist, he and his wife anticipate an early induction sometime toward the end of January or beginning of February.

7. Appellant needs an extension of time to properly prepare his Initial Brief and to determine the appropriate contents of the Record on Appeal.

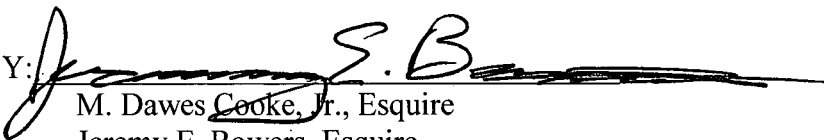
8. Appellant has consulted with all counsel of record, and all counsel consent to Appellant's extension request.

9. The current appeal relates to two other appellate matters, Appellate Case No. 2017-002034 and Appellate Case No. 2017-002370. Appellant understands the parties in those matters will also be requesting extensions of time to file their Initial Briefs, and as a result, this extension would keep the parties on the same briefing schedule throughout these matters.

10. If this extension is granted, Appellant believes the extension of time would provide Appellant until March 5, 2018, to serve and file his Initial Brief and Designation of Matters for Inclusion in the Record on Appeal.

Therefore, for the foregoing reasons and with the consent of all counsel of record, Appellant respectfully asks this Court to grant it a thirty (30) day extension of time to file his Initial Brief and Designation of Matters for Inclusion in the Record on Appeal.

BARNWELL WHALEY PATTERSON & HELMS, LLC

BY: BY: Jeremy E. Bowers

M. Dawes Cooke, Jr., Esquire
Jeremy E. Bowers, Esquire
288 Meeting Street, Suite #200 (29401)
Post Office Drawer H
Charleston, SOUTH CAROLINA 29402
PHONE: (843) 577 - 7700

ATTORNEYS FOR SPIROS FERDERIGOS

January 17, 2018
Charleston, South Carolina

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of Whom

Spiros Ferderigos is..... Appellant.

Proof of Service

I certify that on this 17th day of January 2018, I have served on all counsel of record a copy of the attached Motion for Extension of Time on behalf of Spiros Ferderigos by causing a copy of the same to be placed in the U.S. Mail, first-class postage paid, addressed to:

Stanley E. Barnett, Esquire
305 North Civitas Street
Mt. Pleasant, SC 29464
(843) 884-1031
Attorney for Respondent

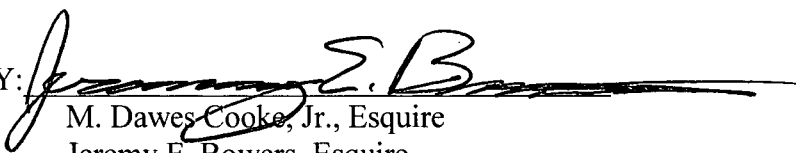
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97 Broad Street
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Jeremy E. Bowers, Esquire
288 Meeting Street, Suite #200 (29401)
Post Office Drawer H
Charleston, SOUTH CAROLINA 29402
PHONE: (843) 577 - 7700
ATTORNEYS FOR SPIROS FERDERIGOS

January 17, 2018
Charleston, South Carolina



Jeremy E. Bowers, Associate
jbowers@barnwell-whaley.com

January 17, 2018
VIA U.S. MAIL

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5033.001

The Honorable Jenny Abbott Kitchings, Clerk
The South Carolina Court of Appeals
1015 Sumter Street
Columbia, South Carolina 29201


RE: Fokas v. Ferderigos
Case No.: 2015-CP-10-3919
Court of Appeals Tracking No.: 2017-002032

Dear Ms. Kitchings:

Please find enclosed an original and seven (7) copies of the Appellant's Second Consent Motion for Extension of Time to Serve Initial Brief and Designation of Matter for Inclusion in Record on Appeal. The Appellant files this Motion with the written consent of all counsel of record. I would appreciate it if you would file the same and return a stamped filed copy to me in the envelope provided. I am also enclosing our firm's check in the amount of Twenty-Five Dollars (\$25.00) for the filing fee.

By copy of this letter, I am providing all counsel of record with a copy of the same. If you have any questions, please do not hesitate to contact me at (843) 577-7700. Thank you for your cooperation in this matter. With kind regards, I am

Sincerely,



Jeremy E. Bowers

Encl.

CC w/Encl: Stanley E. Barnett, Esquire
Leslie S. Lenhardt, Esquire
Andrew Haselden, Esquire
Jennifer H. Thiem, Esquire
John A. Massalon, Esquire

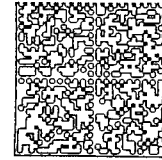
www.barnwell-whaley.com


SOUTH CAROLINA OFFICE:
288 Meeting Street, Suite 200, Charleston, SC 29401
P 843.577.7700 F 843.577.7708

NORTH CAROLINA OFFICE:
1427 Military Cutoff Road, Suite 202, Wilmington, NC 28403
P 910.679.1388 F 910.679.4663

REPRESENTING CLIENTS IN ALL COURTS IN SOUTH CAROLINA AND NORTH CAROLINA AND IN THE UNITED STATES PATENT AND TRADEMARK OFFICE.

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**BARNWELL
WHALEY**

PATTERSON & HELMS LLC

P.O. Drawer H
Charleston, SC 29402

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The Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211