

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM BERKELEY COUNTY
Court of Common Pleas

Roger M. Young, Sr. Circuit Court Judge
Kristi Lea Harrington, Circuit Court Judge

Case No.: 2016-CP-08-334

Appellate Case No.: 2017-001563

RECEIVED
JAN 30 2018
SC Court of Appeals

Cynthia Wright and Richard Wright, Appellants

v.

South Carolina Department of Transportation, Pilot Travel Centers, LLC,
Speedway, LLC, Ashley Land Surveying, Inc., f/k/a Ashley Engineering &
Consulting, Inc., and Munlake Contractors, Inc., Defendants,

Of whom South Carolina Department of Transportation, Pilot Travel Centers,
LLC, Speedway, LLC, and Ashley Land Surveying, Inc., f/k/a Ashley Engineering &
Consulting, Inc. are the Respondents.

**Second Motion for Extension of Time to Serve
and File Initial Brief and Designation of Matter**

Respondent, South Carolina Department of Transportation, respectfully
moves this Court for an Order pursuant to Rule 263(b) SCACR for a seven (7) day
extension of time in which to file and serve its Initial Brief and Designation of
Matter to be Included in the Record on Appeal which at present is due on January
29, 2018. Counsel for South Carolina Department of Transportation seeks

additional time for drafting and consultation with the client. This motion is not made for the purpose of undue delay.

We have attempted to consult with Counsel for Appellants but have not received a response. We have received consent from Respondents Ashley Land Surveying, Inc. f/k/a Ashley Engineering & Consulting, Inc., Speedway, LLC and Pilot Travel Centers, LLC. With the requested extension, Respondent South Carolina Department of Transportation's Initial Brief and Designation of Matter would be due February 5, 2018.

Respectfully Submitted,

MAYBANK LAW FIRM, LLC
Post Office Box 12579
Charleston, SC 29422
Phone: (843) 766-8101
Fax: (843) 766-8103
E-mail: amanda@maybanklaw.com



Amanda R. Maybank
Attorneys Defendant
South Carolina Department of
Transportation

Dated: 1-29-18

Charleston, South Carolina

Teresa Winter

From: Jeffrey Silverberg [jsilverberg@hnblaw.com]
Sent: Sunday, January 28, 2018 6:26 PM
To: Amanda Maybank
Cc: Kevin Smith; Bill Besley; bruce@berlinskylawfirm.com; Jessica@berlinskylawfirm.com; Chelsea Thorne; Adrienne Rowlin; Teresa Winter; rhood@mcgowanhood.com; bcrites@slk-law.com
Subject: Re: Wright v. SCDOT et al appeal - extension request

Yes

Sent from my iPhone

On Jan 28, 2018, at 6:11 PM, Amanda Maybank <Amanda@maybanklaw.com> wrote:

All,

I am going to need to request an extension to file our initial brief on behalf of SCDOT. I am only requesting a 7 day extension which would make the brief due on February 5th. Would you be willing to consent to the extension?

Thank you for your consideration,
Amanda

Sent from my iPhone

On Dec 13, 2017, at 1:25 PM, Kevin Smith <ksmith@hoffmanlaw.net> wrote:

sorry for the late response. yes, I consent.

From: Amanda Maybank [<mailto:Amanda@maybanklaw.com>]
Sent: December 11, 2017 2:25 PM
To: Kevin Smith
Cc: bbesley@hnblaw.com; jsilverberg@hnblaw.com; Bennett.Crites@smithmoorelaw.com; bruce@berlinskylawfirm.com; Jessica@berlinskylawfirm.com; Tina.Nestor@smithmoorelaw.com; Cthorne@hnblaw.com; Adrienne Rowlin; Teresa Winter; rhood@mcgowanhood.com
Subject: Wright v. SCDOT et al appeal - extension request

Kevin,

I am going to be working on the appeal in this case for Roy. With the holidays approaching, I am going to request a 30 day extension in which to file initial briefs/designation of matter to be included in the record on appeal on behalf of SCDOT. I have spoken to counsel for Speedway, Pilot Travel Centers and Ashley Land Surveying and they too would like to request a 30 day extension. To simplify the process, I am going to file a single motion on behalf of all. Are you willing to consent to the motion?

Thanks so much,

Amanda

Amanda R. Maybank
Attorney at Law
Maybank Law Firm, LLC

Teresa Winter

From: Crites, III, J. Bennett [bcrites@slk-law.com]
Sent: Sunday, January 28, 2018 9:26 PM
To: Jeffrey Silverberg
Cc: Amanda Maybank; Kevin Smith; Bill Besley; bruce@berlinskylawfirm.com; Jessica@berlinskylawfirm.com; Chelsea Thorne; Adrienne Rowlin; Teresa Winter; rhoad@mcgowanhood.com
Subject: Re: Wright v. SCDOT et al appeal - extension request

Yes

Sent from my iPhone, please excuse any typos.

J. Bennett Crites, III | Shumaker

Attorney at Law

25 Calhoun Street, Suite 250 | Charleston, South Carolina 29401

bcrites@slk-law.com | [bio](#) | [LinkedIn](#)

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Teresa Winter

From: Bruce@berlinskylawfirm.com
Sent: Monday, January 29, 2018 9:48 AM
To: Amanda Maybank; Kevin Smith
Cc: bbesley@hnblaw.com; jsilverberg@hnblaw.com; Jessica@berlinskylawfirm.com; Cthorne@hnblaw.com; Adrienne Rowlin; Teresa Winter; rhood@mcgowanhood.com; bcrites@slk-law.com
Subject: RE: Wright v. SCDOT et al appeal - extension request

yes

Bruce A. Berlinsky, Attorney at Law
P.O. Box 206 (29402)
One Carriage Lane, Bldg. F
Charleston, SC 29407
TEL: 843-852-2202
FAX: 843-852-4844
bruce@berlinskylawfirm.com

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From: Amanda Maybank [<mailto:Amanda@maybanklaw.com>]
Sent: Sunday, January 28, 2018 6:04 PM
To: Kevin Smith <ksmith@hoffmanlaw.net>
Cc: bbesley@hnblaw.com; jsilverberg@hnblaw.com; Bruce@berlinskylawfirm.com; Jessica@berlinskylawfirm.com; Cthorne@hnblaw.com; Adrienne Rowlin <adrienne@hoffmanlaw.net>; Teresa Winter <Teresa@maybanklaw.com>; rhood@mcgowanhood.com; bcrites@slk-law.com
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Of whom South Carolina Department of Transportation, Pilot Travel Centers,
LLC, Speedway, LLC, and Ashley Land Surveying, Inc., f/k/a Ashley Engineering &
Consulting, Inc. are the Respondents.

PROOF OF SERVICE

I certify that I have served Respondent South Carolina Department of Transportation's Second Motion for an Extension of Time to file and serve its initial brief and designation of matter to be included in the record on appeal by depositing a copy in the U.S. Mail, postage paid on January 29, 2018 addressed to all counsel of record as set forth

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SC Court of Appeals

below:

Kevin B. Smith, Esquire Hoffman Law Firm 7087 Rivers Avenue North Charleston, SC 29406 Attorney for Appellants	Shawn B. Deery, Esquire McGowan, Hood & Felder, LLC 1517 Hampton Street Columbia, SC 29201 Attorney for Appellants
S. Randall Hood, Esquire Jordan C. Calloway, Esquire McGowan, Hood & Felder, LLC 1539 Health Care Drive Rock Hill, SC 29732 Attorneys for Appellants	Bruce A. Berklinsky, Esquire P.O. Box 206 Charleston, SC 29402 Attorney for Ashley Land Surveying, Inc f/k/a Ashley Engineering & Consulting, Inc.
William G. Besley, Esquire Jeffery I. Silverberg, Esquire Howser, Newman & Besley, LLC P.O. Box 12009 Columbia, SC 29211 Attorneys for Pilot Travel Centers, LLC	Bennett Crites, Esquire Smith Moore Leatherwood LLP 25 Calhoun Street, Suite 250 Charleston, SC 29401 Attorney for Speedway, LLC

MAYBANK LAW FIRM, LLC
Post Office Box 12579
Charleston, SC 29422
Phone: (843) 766-8101
Fax: (843) 766-8103
E-mail: amanda@maybanklaw.com



Amanda R. Maybank
Attorneys Defendant
South Carolina Department of
Transportation

MAYBANK LAW FIRM, LLC

ATTORNEYS AT LAW

Physical Address
531 Savannah Highway
Charleston, SC. 29407

Mailing Address
POST OFFICE BOX 12579
CHARLESTON, SC 29422

Phone: (843) 766-8101
Facsimile: (843) 766-8103

Roy P. Maybank
Amanda R. Maybank
Marshall A. Earhart

RECEIVED
JAN 30 2018
SC Court of Appeals

EMAIL:
amanday@maybanklaw.com

January 29, 2018

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

Re: Cynthia Wright and Richard Wright v. SCDOT, Pilot Travel Centers, LLC, Speedway, LLC, Ashley Land Surveying, Inc. f/k/a Ashley Engineering & Consulting, Inc. and Munlake Contractors, Inc.
Case No.: 2016-CP-08-0334
IRF Claim No.: 08874
MLF File: 102.051

Dear Ms. Kitchings:

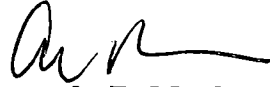
Enclosed please find the original and seven (7) copies of Motions for Extension of Time for Respondent South Carolina Department of Transportation to File & Serve Initial Brief and Designation of Matter and Proof of Service in regard to the above referenced matter. Also enclosed is our firm check in the amount of \$25.00 for the motion fee.

Please file the originals and six (6) copies of each motion and return one (1) filed copy of each motion for our file. A self-addressed, prepaid envelope is provided for this purpose.

Should you have any questions, please do not hesitate to call.

With kind regards, I am

Sincerely,



Amanda R. Maybank

ARM/tgw

Enclosures

cc: Kevin B. Smith, Esquire
S. Randall Hood, Esquire
Jordan C. Calloway, Esquire
Shawn B. Deery, Esquire
William G. Besley, Esquire
Bennett Crites, Esquire
Bruce A. Berlinsky, Esquire



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fedex.com 1.800.GoFedEx 1.800.463.3339

1 From [Redacted]
Date 1/29/18

Sender's Name Amanda Maybank Phone 843 766-8101

Company MAYBANK LAW FIRM, LLC

Address 531 SAVANNAH HWY

Dept./Floor/Suite/Room

City CHARLESTON State SC ZIP 29407-7209

2 Your Internal Billing Reference 102,051 Wright

3 To Recipient's Name Jenny Abbott Kitchens Phone [Redacted]

Company SC Court of Appeals, Clerk of Court

Address 7015 Sumter Street
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FedEx Priority Overnight
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FedEx Standard Overnight
Next business afternoon.* Saturday Delivery NOT available.

FedEx 2Day A.M.
Second business morning.* Saturday Delivery NOT available.

FedEx 2Day
Second business afternoon.* Thursday shipments will be delivered on Monday unless SATURDAY Delivery is selected.

FedEx Express Saver
Third business day.* Saturday Delivery NOT available.

5 Packaging *Declared value limit \$500.

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6 Special Handling and Delivery Signature Options

SATURDAY Delivery
NOT available for FedEx Standard Overnight, FedEx 2Day A.M., or FedEx Express Saver.

No Signature Required
Package may be left without obtaining a signature for delivery.

Direct Signature
Someone at recipient's address may sign for delivery. *Fee applies.*

Indirect Signature
If no one is available at recipient's address, someone at a neighboring address may sign for delivery. For residential deliveries only. *Fee applies.*

Does this shipment contain dangerous goods?
One box must be checked.

No Yes Yes
As per attached Shipper's Declaration. Shipper's Declaration not required.

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_____ lbs.

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