

86274

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
MAR 26 2018
SC Court of Appeals

Athan Fokas Respondent/Appellant,

v.

Phillip Ferderigos, Spiros Ferderigos,
and Jacob Ferderigos Defendants,

of Whom

Spiros Ferderigos and Philip Ferderigos are Appellants/Respondents,

And

Jacob Ferderigos is Respondent.

Joint Consent Motion for Extension of Time to Serve Initial Respondent Briefs

M. DAWES COOKE, JR., ESQUIRE
JEREMY E. BOWERS, ESQUIRE
Barnwell, Whaley, Patterson and Helms, LLC
Post Office Drawer H
Charleston, South Carolina 29402
Phone: (843) 577 – 7700
Facsimile: (843) 577 – 7708
ATTORNEYS FOR SPIROS FERDERIGOS

Other counsel of Record:

Jennifer H. Thiem, Esquire
K&L Gates, LLP
134 Meeting Street, Suite #500
Charleston, SC 29401
(843) 579-5601
Attorney for Phillip Ferderigos

Ian S. Ford, Esquire
Ford Wallace Thomson, LLC
715 King Street
Charleston, South Carolina 29401
(843) 277-2011
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 Athan Fokas

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

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

MAR 26 2018

SC Court of Appeals

Athan Fokas Respondent/Appellant,

v.

Phillip Ferderigos, Spiros Ferderigos,
and Jacob Ferderigos Defendants,

of Whom

Spiros Ferderigos and Philip Ferderigos are Appellants/Respondents,

And

Jacob Ferderigos is Respondent.

Joint Consent Motion for Extension of Time to Serve Initial Respondent Briefs

COME NOW, the Respondent/Appellant, Athan Fokas, Appellants/Respondents, Spiros Ferderigos and Phillip Ferderigos, and Respondent, Jacob Ferderigos, jointly and with the written consent of counsel for each party, pursuant to Rule 240 of the South Carolina Appellate Court Rules, and respectfully move this Court of Appeals for a sixty (60) day extension of time to serve their initial respondent briefs and designation of matters for inclusion in record on appeal for the reasons and good cause set forth below:

1. The current appeal relates to multiple appeals which have been consolidated into one appeal. Respondent/Appellant, Athan Fokas, appealed a circuit court order granting summary judgment in favor of the Appellants/Respondents, Spiros Ferderigos and Phillip Ferderigos, and Respondent, Jacob Ferderigos. Appellants/Respondents, Spiros Ferderigos and Phillip Ferderigos, appealed a circuit court order granting summary judgment in favor of the Respondent/Appellant on a counterclaim. In order to keep the parties on the same briefing schedule throughout these matters, all the parties are requesting an extension of time to serve their Respondent Initial Briefs and Designations of Matters for Inclusion in the Record.

2. Pursuant to Rule 208(a)(1) and Rule 209(a), SCACR, Respondents' Initial Briefs and Designations of Matters for Inclusion in the Record are due to be filed on or before April 2, 2018.

3. The Respondents jointly request an additional sixty (60) day extension to file their Initial Briefs and Designations of Matters for Inclusion in the Record. Counsel for all parties consent to this extension which will provide all Respondents with an additional sixty (60) days to serve and file their Initial Briefs and Designations of Matters for Inclusion in the Record.

4. Appellants served Initial Briefs on March 2, 2018, and March 5, 2018. Their Initial Briefs argued numerous exceptions to the rulings from the lower court that resulted in the grant of summary judgment against the Appellants.

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

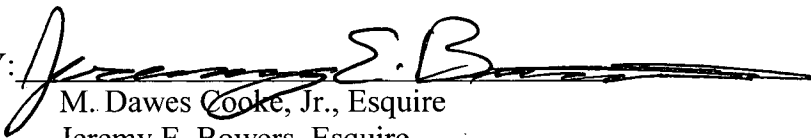
6. Respondents need an extension of time to properly prepare their Initial Briefs and to determine the appropriate contents of the Record on Appeal.

7. Respondents have consulted with all counsel of record, and all counsel consent to the extension request. Attached hereto as Exhibit A is the e-mail correspondence from all counsel consenting to the extension request and authorizing counsel for Appellant/Respondent Spiros Ferderigos to sign on their behalf.

8. If this extension is granted and based upon the first service of an appellant brief on March 2, 2018, Respondents believe the extension of time would provide all Respondents until May 31, 2018, to serve and file their Initial Briefs and Designations of Matters for Inclusion in the Record on Appeal.

Therefore, for the foregoing reasons and with the consent of all counsel of record, the Respondent/Appellant, Athan Fokas, Appellants/Respondents, Spiros Ferderigos and Phillip Ferderigos, and Respondent, Jacob Ferderigos, jointly and with the written consent of counsel for each party, respectfully ask this Court to grant each of them a sixty (60) day extension of time to file their Initial Briefs and Designations of Matters for Inclusion in the Record on Appeal.

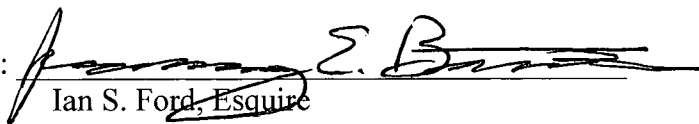
BARNWELL WHALEY PATTERSON & HELMS, LLC

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

-AND-


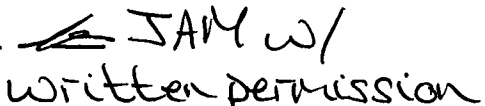
FORD WALLACE THOMSON, LLC

BY:  ISF w/
written permission
Ian S. Ford, Esquire
715 King Street
Charleston, South Carolina 29403
PHONE: (843) 277-2011

ATTORNEYS FOR PHILLIP FERDERIGOS

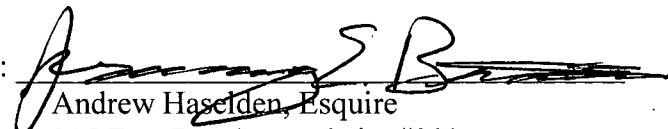
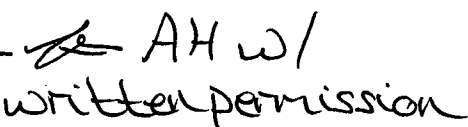
-AND-

WILLS MASSALON & ALLEN, LLC

BY:  
John A. Massalon, Esquire
97 Broad Street
Charleston, SC 29401
PHONE: (843) 727-1144
ATTORNEY FOR JACOB FERDERIGOS

-AND-

HOWSER NEWMAN & BESLEY, LLC

BY:  
Andrew Haselden, Esquire
215 East Bay Street, Suite #303
Charleston, SC 29401
PHONE: (843) 216-6940
ATTORNEYS FOR ATHAN FOKAS

March 20, 2018
Charleston, South Carolina

Jeremy Bowers

From: John A. Massalon <jmassalon@wmalawfirm.net>
Sent: Tuesday, March 20, 2018 10:10 AM
To: Ian Ford; Andy Haselden
Cc: Jeremy Bowers
Subject: RE: Fokas v. Ferderigos (Appeal)

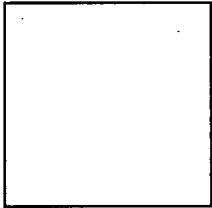
OK to sign for me too.

JM

From: Ian Ford [mailto:ian.ford@fordwallace.com]
Sent: Monday, March 19, 2018 12:34 PM
To: Andy Haselden <ahaselden@hnblaw.com>
Cc: Jeremy Bowers <jbowers@barnwell-whaley.com>; John A. Massalon <jmassalon@wmalawfirm.net>
Subject: Re: Fokas v. Ferderigos (Appeal)

Yes, sign for me please. Thanks for drafting.

Ian



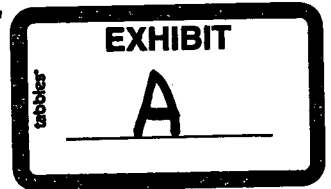
Ian Ford

Partner
Ford Wallace Thomson LLC
p: 843-608-1234
a: 715 King Street
Charleston, South Carolina 29403
w: www.FordWallace.com e: ian.ford@fordwallace.com

On Mon, Mar 19, 2018 at 12:05 PM, Andy Haselden <ahaselden@hnblaw.com> wrote:

Sign for me, Please. Thanks.

From: Jeremy Bowers <jbowers@barnwell-whaley.com>
Sent: Monday, March 19, 2018 12:03 PM
To: Andy Haselden <ahaselden@hnblaw.com>
Cc: Ian Ford (ian.ford@fordwallace.com) <ian.ford@fordwallace.com>; 'jmassalon@wmalawfirm.net' <jmassalon@wmalawfirm.net>
Subject: RE: Fokas v. Ferderigos (Appeal)



All, attached please find a proposed Joint Consent Motion requesting an additional 60 days to serve respondent briefs for all parties. It would make everyone's respondent brief due on or before May 31, 2018. Please let me know if you consent. If you

want, you can either mail me your signature page or respond back authorizing me to sign on your behalf. Once I have everyone's consent and signature, I will file with the Court of Appeals and send a copy to everyone. Thanks, and best wishes...

Jeremy

From: Jeremy Bowers
Sent: Friday, March 9, 2018 1:03 PM
To: 'Andy Haselden' <ahaselden@hnblaw.com>
Cc: Ian Ford (ian.ford@fordwallace.com) <ian.ford@fordwallace.com>; jmassalon@wmalawfirm.net
Subject: Fokas v. Ferderigos (Appeal)

Andy, in follow-up to our call earlier this week, I wanted to confirm our discussions related to extending the response deadline for all respondent briefs (i.e., the respondent briefs for Athan, Phillip, Spiros, and Jacob) in the Fokas v. Ferderigos appeals. Would you be agreeable to extending the deadline to May 31, 2018? That would be an additional days from the original deadline based upon your service date of March 2, 2018. If so, perhaps we can do a joint or consent motion for the extension. Thanks, and best wishes...

Jeremy

JEREMY E. BOWERS

BARNWELL WHALEY PATTERSON & HELMS, LLC

288 Meeting Street | Charleston SC 29401 | [843.577.7700](tel:843.577.7700) | [843.329-5322](tel:843.329-5322) (D)

jbowers@barnwell-whaley.com | [Firm Website](#) | [Bio](#) | [vCard](#)



CONFIDENTIAL

Unless otherwise indicated or obvious from the nature of the following communication, the information contained herein is confidential information/work product. The communication is intended for the use of the individual or entity named above. If the reader of this transmission is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error or are not sure whether it is privileged, please immediately notify us by return e-mail and destroy any copies, electronic, paper or otherwise, which you may have of this communication.

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

RECEIVED

MAR 26 2018

SC Court of Appeals

Case No. 2015-CP-10-3919

Appellate Case No. 2017-002032

Athan Fokas.....Respondent/Appellant,

v.

Phillip Ferderigos, Spiros Ferderigos,
and Jacob FerderigosDefendants,

of Whom

Spiros Ferderigos and Philip Ferderigos are.....Appellants/Respondents,

And

Jacob Ferderigos isRespondent.

PROOF OF SERVICE

I certify that on this 20th day of March 2018, I have served on all counsel of a copy of the attached Joint Consent Motion for Extension of Time to Serve Initial Respondents' Briefs by causing a copy of the same to be placed in the U.S. Mail, first-class postage paid, addressed to:

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

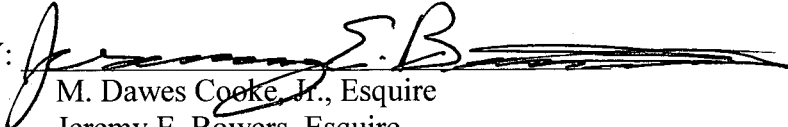
Ian S. Ford, Esquire
Ford Wallace Thomson, LLC
715 King Street
Charleston, South Carolina 29401
Attorney for Phillip Ferderigos

John A. Massalon, Esquire
Wills Massalon & Allen, LLC
97 Broad Street
Charleston, SC 29401
Attorney for Jacob Ferderigos

Leslie S. Lenhardt, Esquire
Lenhardt Law Firm, LLC
1876 Wallenberg Blvd.
Charleston, SC 29407
Attorney for Athan Fokas

Andrew Haselden, Esquire
Howser, Newman & Besley, LLC
215 East Bay Street, Suite #303
Charleston, SC 29401
Attorney for Athan Fokas

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 APPELLANT SPIROS FERDERIGOS

March 20, 2018
Charleston, South Carolina



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

March 20, 2018
VIA U.S. MAIL

RECEIVED

MAR 26 2018

SC Court of Appeals

5033.001

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

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 Joint Consent Motion for Extension of Time to Serve Initial Respondent Briefs and Designation of Matter for Inclusion in Record on Appeal. The parties file this Motion with the written consent of all counsel of record in an effort to coordinate the deadline for their respective Respondent briefs in this consolidated appeal. 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 the original Proof of Service and 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,

A handwritten signature in black ink, appearing to read "Jeremy E. Bowers", is written over a horizontal line.

Jeremy E. Bowers

Encl.

cc w/encl.: Andrew Haselden, Esquire
Leslie S. Lenhardt, Esquire
Ian S. Ford, Esquire
Jennifer H. Thiem, Esquire
John A. Massalon, Esquire

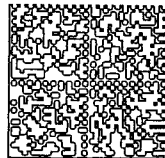
www.barnwell-whaley.com

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

✓



UNITED STATES POSTAGE



PITNEY BOWES

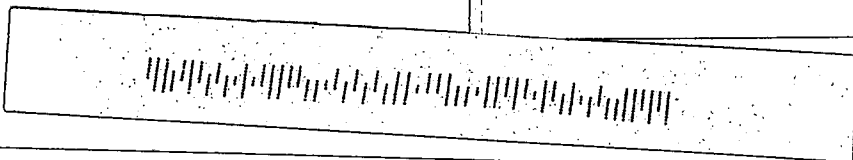
02 1P

\$ 007.25⁰⁰

0000876795

MAR 20 2018

MAILED FROM ZIP CODE 29401



BARNWELL

WHALEY

PATTERSON & HELMS LLC

P.O. Drawer H
Charleston, SC 29402

5033.001

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

RECEIVED

MAR 26 2018

SC Court of Appeals