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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM JASPER COUNTY
Court of Common Pleas

The Honorable Carmen T. Mullen, Circuit Court Judge

Case No. 2017-CP-27-0386
Appellate Case No. 2017-002548

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APR 19 2018
SC Court of Appeals

First Team Hyundai, LLC d/b/a Hilton Head Hyundai Appellant

v.

Gregory Hackney Respondent

**MOTION TO RECONSIDER
ORDER GRANTING SECOND EXTENSION**

This is a case involving an appeal from the denial of a motion for a Temporary Restraining Order. Appellant alleges that it is being defamed by the Respondent on an almost daily basis and continues to suffer irreparable damage each day that Respondent appears in front of its business with defamatory signs.

Appellant filed its Initial Brief in this case on February 15, 2018, along with a Motion for Expedited Appeal. In its February 28, 2018 Order, this Court denied the Motion for Expedited Appeal but held:

No extensions will be granted in this matter absent a showing of extraordinary circumstances.

The Court thereby provided Appellant with partial of the relief by moving the matter forward.

Respondent filed a letter March 23rd requesting an extension to file his Brief and stating that he had moved and had not received Appellant's Initial Brief. The Clerk granted Respondent an extension until April 18th to file his Initial Brief and Designation of Matter.

Respondent requested a second extension to file his Brief on April 13th but did not present any extraordinary circumstances in support of his request. His reason for requesting an extension

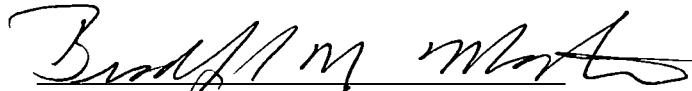
is that he has spent the last few weeks preparing documents that were not before the lower court and are, therefore, not properly before this Court. See *Wilder Corp. v. Wilke*, 330 S.C. 71, 76, 497 S.E.2d 731, 733 (1998) ("It is axiomatic that an issue cannot be raised for the first time on appeal, but must have been raised to and ruled upon by the trial judge to be preserved for appellate review."). The fact that Respondent chose to spend his time on other matters is not a "showing of extraordinary circumstances." The Clerk has now granted a second extension until May 18th.

Respondent admits in his second extension request that he is continuing to protest in front of Appellant's business. Appellant is suffering irreparable damage as Respondent continues to make defamatory statements. The granting of a second extension defeats the purpose of the Court's February 28th Order and allows the Respondent to extend the time in which he can cause damage to the Appellant.

Appellant therefore, respectfully requests that this Court reconsider the Order granting Respondent's request for a second extension.

Respectfully submitted,

Date 16 April 18



Bradford N. Martin, SC Bar No. 3658

Laura W. H. Teer, SC Bar No. 16698

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**ATTORNEYS FOR FIRST TEAM HYUNDAI,
LLC d/b/a HILTON HEAD HYUNDAI**

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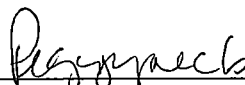
v.

Greg S. Hackney Respondent

PROOF OF SERVICE

I, Peggy McComb, Legal Assistant to attorney for Appellant, certify that I have served a copy of Appellant's Motion to Reconsider Order Granting Second Extension by email and depositing a copy in the U.S. Mail, postage prepaid, on April 16, 2018, addressed to Greg S. Hackney, 30 Old Vermont Place, Sandy Springs, GA 30328.

April 16, 2018



Legal Assistant to
Bradford N. Martin, Esq. (SC Bar No. 3658)
Laura W. H. Teer, Esq. (SC Bar No. 16698)
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April 16, 2018

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

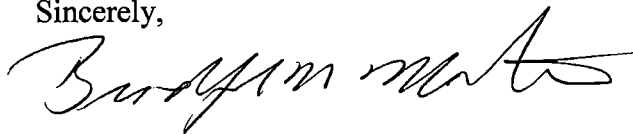
Re: *First Team Hyundai, LLC dba Hilton Head Hyundai v. Greg S. Hackney*
C.A. No. 2017-CP-27-0386
Appellate Case No. 2017-002548

Dear Ms. Kitchings:

Enclosed for filing is an original and seven copies of Appellant's Motion to Reconsider Order Granting Second Extension, our firm's check in the amount of \$25.00 for filing fees, and a Proof of Service in the above captioned matter. Please file the original with your Court and return a clocked copy to me in the enclosed envelope.

Thank you for your attention to this matter. Should you have any questions, please do not hesitate to contact me.

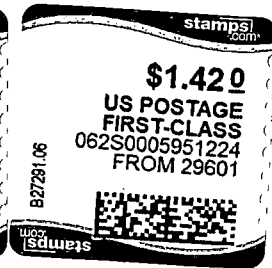
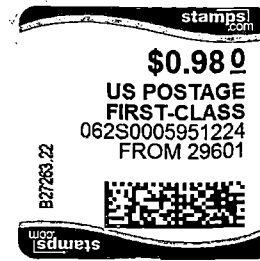
Sincerely,



Bradford N. Martin

BNM/pm
Enclosures
cc: Greg S. Hackney

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TO:

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