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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

APR 20 2018

SC Court of Appeals

Case No. 2015-CP-10-3891

Appellate Case No. 2018-000516

Athan Fokas Respondent,

v.

Phillip Ferderigos and Spiros Ferderigos Appellants,

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

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

April 18, 2018
Charleston, South Carolina

Other counsel of Record:

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Attorney for Phillip Ferderigos

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Attorney for Respondent

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COME NOW, the Appellants, Phillip Ferderigos and Spiros Ferderigos (“Appellants”), with the written consent of counsel for the Respondent, 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 brief and designation of matters for inclusion in record on appeal for the reasons and good cause set forth below:

1. Appellants received the transcript of the motions hearing from the court reporter on April 16, 2018. Pursuant to Rule 208(a)(1) and Rule 209(a), SCACR, Appellants’ Initial Brief and Designation of Matters for Inclusion in the Record are due to be filed on or before May 16, 2018.
2. Appellants file this motion requesting a sixty (60) day extension to file their Initial Brief and Designation of Matters for Inclusion in the Record with the written consent of counsel for the

Respondent. A copy of the e-mail from Respondent's counsel consenting to the extension is attached hereto as Exhibit A.

3. Appellants have taken exception to numerous rulings from the lower court that resulted in the grant of summary judgment against the Appellants.

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

5. Additionally, the parties are involved in the appeal of another matter involving the parties, and the parties' respective Respondent Initial Briefs in that cross-appeal are due on June 4, 2018. The parties are devoting significant time to preparing those Respondent Initial Briefs at this time.

6. Appellants need an extension of time to properly prepare their Initial Brief and to determine the appropriate contents of the Record on Appeal. This is Appellants first request for an extension of time to serve their Initial Brief and Designation of Matters for Inclusion in the Record on Appeal.

7. Appellants have consulted with all counsel of record, and all counsel consent to Appellants' extension request.

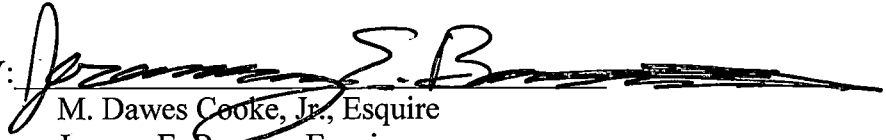
8. Appellants believe the extension of time would provide Appellants until July 16, 2018, to serve and file their Initial Brief and Designation of Matters for Inclusion in the Record on Appeal.

Therefore, for the foregoing reasons and with the consent of counsel for the Respondent, the Appellants respectfully ask this Court to grant them a sixty (60) day extension of time to file and serve their Initial Brief and Designation of Matters for Inclusion in the Record on Appeal.

[SIGNATURE BLOCK ON THE NEXT PAGE]

BARNWELL WHALEY PATTERSON & HELMS, LLC

BY:



M. Dawes Cooke, Jr., Esquire

Jeremy E. Bowers, Esquire

288 Meeting Street, Suite #200 (29401)

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Charleston, SOUTH CAROLINA 29402

PHONE: (843) 577 - 7700

ATTORNEYS FOR APPELLANTS

April 18, 2018

Charleston, South Carolina

Jeremy Bowers

From: Lenhardt Law Firm <llenhardt@lenhardtlawfirm.com>
Sent: Wednesday, April 18, 2018 9:22 AM
To: Jeremy Bowers
Subject: Re: Fokas v. Ferderigos

Certainly and thanks.

Leslie S. Lenhardt
Attorney at Law

LENHARDT LAW FIRM, LLC
1876 Wallenberg Blvd.
Charleston, South Carolina 29407
843.371.5453 ext. 702
www.lenhardtlawfirm.com

On Apr 18, 2018, at 9:07 AM, Jeremy Bowers <jbowers@barnwell-whaley.com> wrote:

Leslie, I hope this e-mail finds you doing well. We received the transcript in our appeal related to the defamation action on Monday afternoon. I am writing to see if you would consent to an extension of time to serve the initial brief and designation of matter to be included on appeal by both Spiros Ferderigos and Phillip Ferderigos. We are requesting an additional 60 days from the current due date. The current due date, based upon receiving the transcript on Monday afternoon is May 16. As a result, we are requesting an extension of time until July 16 to serve and file the initial briefs and designation. Of course, when you receive your transcript, we consent to you seeking an extension of time for serving your initial brief, etc.

Please let me know if you can consent to this extension. If so, I will file our motion for the extension with a copy to you. Thanks, and best wishes...

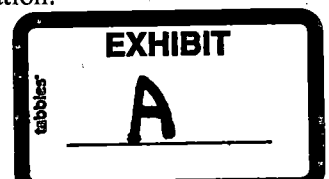
Jeremy

JEREMY E. BOWERS
BARNWELL WHALEY PATTERSON & HELMS, LLC
288 Meeting Street | Charleston SC 29401 | 843.577.7700 | 843.329-5322 (D)
jbowers@barnwell-whaley.com | [Firm Website](#) | [Bio](#) | [vCard](#)

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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.



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Proof of Service

I certify that on this 18th day of April 2018, I have served on all counsel of record a copy of the attached Motion for Extension of Time on behalf of Appellants by causing a copy of the same to be placed in the U.S. Mail, first-class postage paid, addressed to:

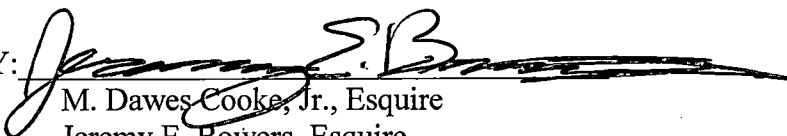
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ATTORNEYS FOR SPIROS FERDERIGOS

April 18, 2018
Charleston, South Carolina



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

April 18, 2018
VIA U.S. MAIL

5033.001
The Honorable Jenny Abbott Kitchings
Clerk of the South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

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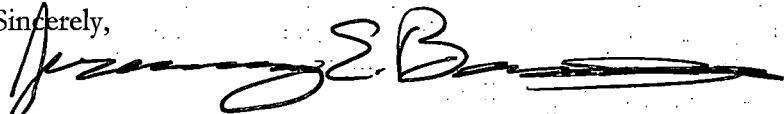
RE: Fokas v. Phillip Ferderigos and Spiros Ferderigos
Civil Action No.: 2015-CP-10-3891
Appellate Case No.: 2018-000516

Dear Madam Clerk:

Please find enclosed an original and seven (7) copies of the Appellants' Consent Motion for Extension of Time to Serve Initial Brief and Designation of Matter for Inclusion in Record on Appeal. The Appellants file 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

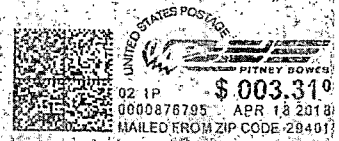
Encl.
cc w/encl.: Leslie S. Lenhardt, Esquire
Joseph R. Weston, Esquire
Jennifer H. Thiem, Esquire
Laura W. Robinson, Esquire

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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

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5033.001

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

