

**THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT**

Appeal from Charleston County
Court of Common Pleas

Stephanie P. McDonald, Circuit Court Judge

Circuit Court Case No. 2011-CP-10-07166

Opinion No. 5442 (S.C. Ct. App. filed Sept. 28, 2016)
Court of Appeals Case No. 2014-000824

Supreme Court Case No. 2017-000683

Otha Delaney,

Petitioner,

v.

First Financial of Charleston, Inc.

Respondent.

**MOTION FOR EXTENSION OF TIME TO FILE/SERVE
BRIEF OF RESPONDENT OR, ALTERNATIVELY,
TO ACCEPT BRIEF OF RESPONDENT OUT OF TIME**

YOUNG CLEMENT RIVERS, LLP
Stephen L. Brown (SC Bar No. 66468)
Russell G. Hines (SC Bar No. 72100)
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(843) 720-5488

Attorneys for Respondent

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JUN 07 2018

S.C. SUPREME COURT

NOW COMES Respondent First Financial of Charleston, Inc. (“First Financial”), by and through its undersigned counsel, on the grounds stated below, and, pursuant to Rule 263(b), SCACR,¹ as well as the Court’s order of July 16, 2014, regarding Extensions in Cases Seeking a Petition for a Writ of Certiorari to Review a Decision of the South Carolina Court of Appeals, hereby moves this Honorable Court for an extension of **one (1) day’s** time to file/serve the Brief of Respondent in this matter or, alternatively, to accept the Brief of Respondent filed/served **one (1) day** out of time.

1. Petitioner Otha Delaney (“Mr. Delaney”) served “Petitioner’s Initial Brief” on May 7, 2018; accordingly, today, June 6, 2018, is the deadline for filing/service of the Brief of Respondent pursuant to Rule 242(i), SCACR.²

2. Though it was, indeed, the undersigned’s intention to file/serve the Brief of Respondent today, counsel will not be able to have the brief properly bound and copied until tomorrow.

3. Accordingly, the undersigned requests an extension of one (1) day’s

¹ Rule 263(b) provides that, except for the time for serving the notice of appeal under Rules 203 and 243, SCACR (which exception is not implicated by the instant motion), the Court may extend the time prescribed by the South Carolina Appellate Court Rules for performing any act.

² On March 15, 2018, Mr. Delaney served “Brief of Petitioner/Appellant,” which apparently corrected the cover of his previously brief; however, the undersigned understands that First Financial’s responsive briefing deadline is to be calculated based off of the March 7th service date.

time, i.e., until tomorrow, June 7, 2018, to file/serve the Brief of Respondent, humbly submitting that the circumstances are such that the Court's grant of the requested dispensation is warranted in that it is consistent with the interests of justice, it will work no undue prejudice upon Mr. Delaney, and it is not offensive to the protocol or policy underlying the Court's aforementioned order of July 16, 2014.

4. Alternatively, for the same reasons submitted above, the undersigned asks that the Court accept the Brief of Respondent filed/served one (1) day out of time, again submitting that the Court's grant of such relief is warranted in the interests of justice and will in no way unduly prejudice Mr. Delaney or impede the Court's timely adjudication of this matter.

WHEREFORE, First Financial ask the Court to extend the time for it to serve/file the Brief of Respondent until tomorrow, June 7, 2018, or, alternatively, accept the Brief of Respondent served/filed on June 7, 2018, albeit served/filed on that date one (1) day out of time. First Financial further asks the Court to hold its present briefing deadline in abeyance until it rules on this motion.

<SIGNED ON THE FOLLOWING PAGE>

Respectfully submitted,

YOUNG CLEMENT RIVERS, LLP

By:



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Attorneys for Respondent

Charleston, South Carolina

Dated:

6/6/18

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PROOF OF SERVICE

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Attorneys for Respondent.

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I, Russell G. Hines, of Young Clement Rivers, LLP, attorneys for Respondent, hereby certify that the foregoing **MOTION FOR EXTENSION OF TIME TO FILE/SERVE BRIEF OF RESPONDENT OR, ALTERNATIVELY, TO ACCEPT BRIEF OF RESPONDENT OUT OF TIME** was served on all other parties to this matter by depositing a copy of same in the U.S. Mail on June 6, 2018, properly posted for delivery to the following addressees:

Philip L. Fairbanks, Esquire
Law Offices of Philip L. Fairbanks, LLC
1214 King Street
Beaufort, SC 29902

-and-

Frederick M. Corley, Esquire
1214 King Street
Beaufort, SC 29902

Attorneys for Petitioner

Respectfully submitted,
YOUNG CLEMENT RIVERS, LLP

By:



Russell G. Hines (SC Bar No. 72100)

Attorneys for Respondent

Charleston, South Carolina

Dated: 6/6/18