

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-10-3891

Appellate Case No. 2018-000516

**RECEIVED**

JUL 02 2018

**SC Court of Appeals**

Athan Fokas ..... Respondent,

v.

Phillip Ferderigos and Spiros Ferderigos ..... Appellants,

**Joint Consent Motion for Extension of Time to Serve Initial Respondent Briefs and Designations  
of Matter for Inclusion in Record on Appeal**

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ATTORNEYS FOR APPELLANTS

June 28, 2018  
Charleston, South Carolina

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

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COME NOW, the Respondent/Appellant, Athan Fokas, and Appellants/Respondents, Spiros Ferderigos and Phillip 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, good cause, and extraordinary circumstances set forth below:

1. The current appeal relates to multiple appeals which the Parties have moved to be consolidated into one appeal. Respondent/Appellant, Athan Fokas, appealed a circuit court order granting summary judgment in favor of the Appellants/Respondents, Phillip Ferderigos and Spiros Ferderigos from Civil Action No. 2015-CP-10-3891. 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. Respondent/Appellant, Athan Fokas, served his Initial Brief on June 13, 2018. Appellants/Respondents, Spiros Ferderigos and Phillip Ferderigos, served their Initial Briefs on June 15, 2018. Pursuant to Rule 208(a)(1) and Rule 209(a), SCACR, each party's Initial Respondent Brief and Designations of Matters for Inclusion in the Record are due to be filed on or before July 16, 2018, and July 13, 2018, respectively.

3. The parties jointly request a sixty (60) day extension to file their Initial Respondent 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. The Initial Briefs argued numerous exceptions to the rulings from the lower court that resulted in the grant of summary judgment.

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

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

7. Additionally, the parties are involved in another matter before the Court of Appeals (Appellate Case No. 2017-002032) and have respondent briefs due in that matter on July 5, 2018. The parties are currently spending significant time on those briefs, which will hinder their ability to prepare their Initial Respondent Briefs in that matter. The briefs in that matter were previously due on June 4, 2018, but Appellant/Respondent Phillip Ferderigos spent significant time in the hospital with viral meningitis resulting in the extension of time until July 5, 2018.

8. Further, the parties travel to Greece to visit family for much of the months of July and August. Appellant/Respondent, Phillip Ferderigos, will be in Greece from June 27<sup>th</sup> until July 30<sup>th</sup>. Appellant/Respondent, Spiros Ferderigos, will be in Greece from July 27<sup>th</sup> until August 10<sup>th</sup>. Similarly, Respondent/Appellant, Athan Fokas, will be in Greece from late July until the middle of August. The parties will be unavailable to assist in the preparation of the Initial Respondent Briefs for these extended periods of time.

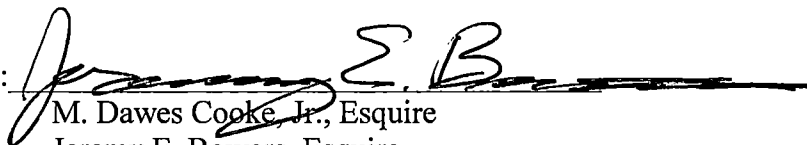
9. Respondents have consulted with all counsel of record, and all counsel consent to the extension request.

10. If this extension is granted and based upon the current deadline of July 13, 2018, Respondents believe the extension of time would provide all Respondents until September 11, 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, and Appellants/Respondents, Spiros Ferderigos and Phillip 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 Respondent Briefs and Designations of Matters for Inclusion in the Record on Appeal.

BARNWELL WHALEY PATTERSON & HELMS, LLC

BY:



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ATTORNEYS FOR SPIROS FERDERIGOS

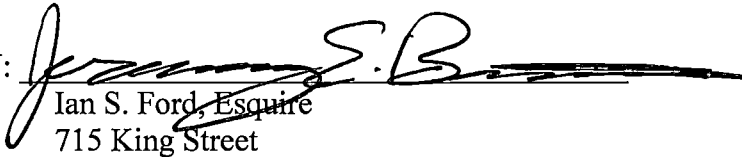
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-AND-

FORD WALLACE THOMSON, LLC

BY: 

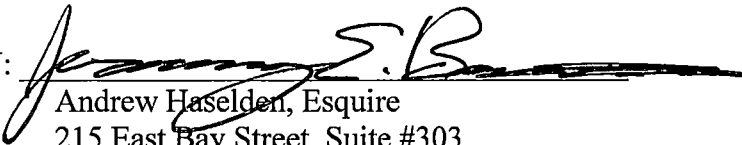
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*ISF w/  
written permission*

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ATTORNEYS FOR ATHAN FOKAS

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**Proof of Service**

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I certify that on this 28<sup>th</sup> day of June 2018, I have served on all counsel of record a copy of the attached Motion for Extension of Time on behalf of Appellants Joint Consent Motion for Extension of Time to Serve Initial Respondent Briefs and Designations of Matter for Inclusion in Record on Appeal 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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Stephanie Anthony, Esquire  
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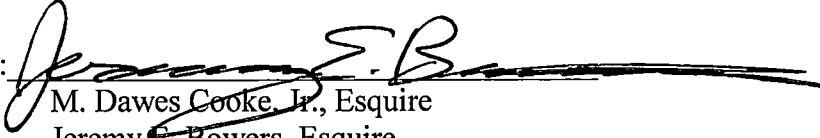
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1938-2018

Attorneys for businesses & professionals since 1938

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

June 28, 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

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

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**SC Court of Appeals**

Dear Madam Clerk:

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. 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.

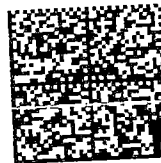
cc w/encl.: Leslie S. Lenhardt, Esquire  
Andy Haselden, Esquire  
Joseph R. Weston, Esquire  
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REPRESENTING CLIENTS IN ALL COURTS IN SOUTH CAROLINA AND NORTH CAROLINA AND IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



UNITED STATES



PITNEY BOWES

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SC Court of Appeals

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WHALEY**

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The Honorable Jenny Abbott Kitchings  
The South Carolina Court of Appeals  
P.O. Box 11629  
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