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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

Case No. 2015-CP-10-3919

JUL 10 2018

SC Court of Appeals

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 is Respondent.

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

M. DAWES COOKE, JR., ESQUIRE
JEREMY E. BOWERS, ESQUIRE
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ATTORNEYS FOR SPIROS FERDERIGOS

Other counsel of Record:

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Attorney for Athan Fokas

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Joint Consent Motion for Extension of Time to Serve Initial Reply 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 twenty (20) day extension of time to serve their initial reply 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 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 Reply Initial Briefs and Designations of Matters for Inclusion in the Record.

2. Pursuant to Rule 208(a)(1) and Rule 209(a), SCACR, Initial Reply Briefs and Designations of Matters for Inclusion in the Record are due to be filed on or before July 16, 2018.

3. The parties jointly request an additional twenty (20) day extension to file their Initial Reply Briefs and Designations of Matters for Inclusion in the Record. Counsel for all parties consent to this extension which will provide all parties with an additional twenty (20) days to serve and file their Initial Reply Briefs and Designations of Matters for Inclusion in the Record. This is the parties' first request for an extension of time to serve Initial Reply Briefs.

4. Respondent/Appellant, Athan Fokas, served his Initial Respondent Brief on July 5, 2018, and Appellants/Respondents, Spiros Ferderigos and Phillip Ferderigos, and Respondent, Jacob Ferderigos, served their Joint Initial Respondents Brief on July 5, 2018. The parties' Respondent Briefs argued numerous points related 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. The parties need an extension of time to properly prepare their Initial Reply Briefs and to determine any additional appropriate contents of the Record on Appeal.

7. 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 27th until July 30th.

Appellant/Respondent, Spiros Ferderigos, will be in Greece from July 27th until August 10th. 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 Reply Briefs for these extended periods of time.

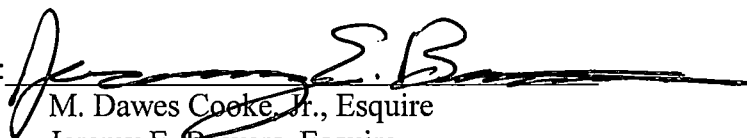
8. The parties have consulted with all counsel of record, and all counsel consent to the extension request. Attached hereto as Exhibit A is the e-mail correspondence from all counsel consenting to the extension request and authorizing counsel for Appellant/Respondent Spiros Ferderigos to sign on their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

9. If this extension is granted and based upon the current deadline of July 16, 2018, the parties believe the extension of time would provide all parties until August 6, 2018, to serve and file their Initial Reply 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 twenty (20) day extension of time to file their Initial Reply Briefs and Designations of Matters for Inclusion in the Record on Appeal.

BARNWELL WHALEY PATTERSON & HELMS, LLC

BY:

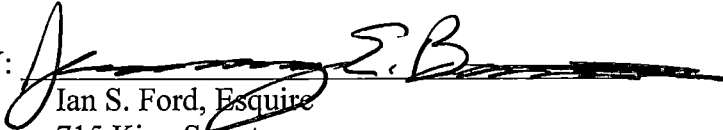


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ATTORNEYS FOR SPIROS FERDERIGOS

-AND-

FORD WALLACE THOMSON LLC

BY: 


← ISF w/
written permission

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ATTORNEYS FOR PHILLIP FERDERIGOS

-AND-

WILLS MASSALON & ALLEN, LLC

BY: 

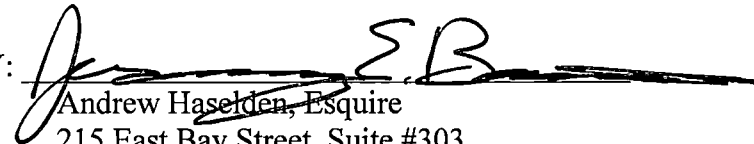
← JAM w/
written permission

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PHONE: (843) 727-1144

ATTORNEY FOR JACOB FERDERIGOS

-AND-

HOWSER NEWMAN & BESLEY, LLC

BY: 

← AH w/
written permission

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Charleston, SC 29401
PHONE: (843) 216-6940

ATTORNEYS FOR ATHAN FOKAS

July 9, 2018
Charleston, South Carolina

Jeremy Bowers

From: John A. Massalon <jmassalon@wmalawfirm.net>
Sent: Monday, July 9, 2018 8:52 AM
To: Andy Haselden; Jeremy Bowers
Cc: Ian Ford (ian.ford@fordwallace.com)
Subject: RE: Fokas v. Ferderigos: Breach of Contract Action - Reply Briefs

I'm OK with it too.

JM

From: Andy Haselden [mailto:ahaselden@hnblaw.com]
Sent: Monday, July 09, 2018 8:23 AM
To: Jeremy Bowers <jbowers@barnwell-whaley.com>
Cc: Ian Ford (ian.ford@fordwallace.com) <ian.ford@fordwallace.com>; John A. Massalon <jmassalon@wmalawfirm.net>
Subject: Re: Fokas v. Ferderigos: Breach of Contract Action - Reply Briefs

Sign away.

Andrew E. Haselden
Shareholder / Certified Circuit Court Mediator
215 East Bay Street / Suite 303 / Charleston, SC 29401
P: (843) 216-6940
F: (843) 216-6942
T/F: (877) 216-6970
C: (803) 446-9062
E-mail: ahaselden@hnblaw.com

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Unless otherwise indicated or obvious from the nature of the above communication, the information contained herein may be an attorney-client privileged and 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.

On Jul 9, 2018, at 8:19 AM, Jeremy Bowers <jbowers@barnwell-whaley.com> wrote:

All, I hope this e-mail finds everyone doing well. Based upon the service date of the Respondent briefs in the breach of contract appeal of 7/5/18, the reply briefs are due 7/16/18. If everyone is agreement, I would propose requesting a 20 day extension of time to serve reply briefs. This extension would give everyone until 8/6/18 to serve reply briefs. I have drafted the attached consent motion for everyone to review. If you agree to the extension and would like for me to sign on your behalf, please reply to this e-mail.

If you have any questions, please do not hesitate to call or e-mail me. Thanks, and best wishes...

Jeremy

JEREMY E. BOWERS
BARNWELL WHALEY PATTERSON & HELMS, LLC



<image002.jpg>

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<DRAFT Motion for Extension of Time RE Reply Briefs 7.9.18.DOC>

Jeremy Bowers

From: Ian Ford <ian.ford@fordwallace.com>
Sent: Monday, July 9, 2018 9:40 AM
To: Jeremy Bowers
Cc: Mr Andy Haselden; Mr John Masselon
Subject: Re: Fokas v. Ferderigos: Breach of Contract Action - Reply Briefs

Yes sir. Please sign for me.

Ian

FORD WALLACE THOMSON LLC

ATTORNEYS AT LAW

Ian S. Ford

FORD WALLACE THOMSON LLC
715 King Street | Charleston, S.C. 29403
843.608.1234 | www.FordWallace.com

On Jul 9, 2018, at 8:18 AM, Jeremy Bowers <jbowers@barnwell-whaley.com> wrote:

All, I hope this e-mail finds everyone doing well. Based upon the service date of the Respondent briefs in the breach of contract appeal of 7/5/18, the reply briefs are due 7/16/18. If everyone is agreement, I would propose requesting a 20 day extension of time to serve reply briefs. This extension would give everyone until 8/6/18 to serve reply briefs. I have drafted the attached consent motion for everyone to review. If you agree to the extension and would like for me to sign on your behalf, please reply to this e-mail.

If you have any questions, please do not hesitate to call or e-mail me. 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](#)

<image002.jpg>

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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 9th day of July 2018, I have served on all counsel of a copy of the attached Joint Consent Motion for Extension of Time to Serve Initial Reply Briefs by causing a copy of the same to be placed in the U.S. Mail, first-class postage paid, addressed to:

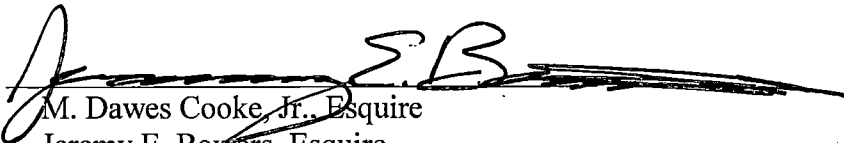
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Attorney for Athan Fokas

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Attorney for Athan Fokas

BARNWELL WHALEY PATTERSON & HELMS, LLC

BY: BY: M. Dawes Cooke, Jr., Esquire

Jeremy E. Bowers, Esquire
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ATTORNEYS FOR SPIROS FERDERIGOS

July 9, 2018
Charleston, South Carolina



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

July 9, 2018
VIA OVERNIGHT DELIVERY

RECEIVED
JUL 10 2018
SC Court of Appeals

5033.001
The Honorable Jenny Abbott Kitchings, Clerk
The South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201

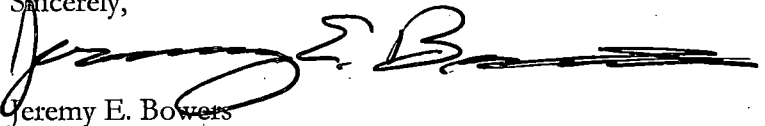
RE: Fokas v. Ferderigos
Case No.: 2015-CP-10-3919
Court of Appeals Tracking No.: 2017-002032

Dear Ms. Kitchings:

Please find enclosed an original and seven (7) copies of the Joint Consent Motion for Extension of Time to Serve Initial Reply 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 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,


Jeremy E. Bowers

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

www.barnwell-whaley.com

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P 843.577.7700 F 843.577.7708

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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



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Company South Carolina Court of Appeals

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Dept./Floor/Suite/Room _____

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Hold Weekday
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4 Express Package Service * To most locations. **Packages up to 150 lbs.**
For packages over 150 lbs., use the FedEx Express Freight US Airbill.

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Earliest next business morning delivery to select locations. Friday shipments will be delivered on Monday unless Saturday Delivery is selected.

FedEx Priority Overnight
Next business morning.* Friday shipments will be delivered on Monday unless Saturday Delivery is selected.

FedEx Standard Overnight
Next business afternoon.* Saturday Delivery NOT available.

2 or 3 Business Days

FedEx 2Day A.M.
Second business morning.* Saturday Delivery NOT available.

FedEx 2Day
Second business afternoon.* Thursday shipments will be delivered on Monday unless Saturday Delivery is selected.

FedEx Express Saver
Third business day.* Saturday Delivery NOT available.

5 Packaging * Declared value limit \$500.

FedEx Envelope* **FedEx Pak*** FedEx Box FedEx Tube Other

6 Special Handling and Delivery Signature Options Fees may apply. See the FedEx Service Guide.

Saturday Delivery
NOT available for FedEx Standard Overnight, FedEx 2Day A.M., or FedEx Express Saver.

No Signature Required
Package may be left without obtaining a signature for delivery.

Direct Signature
Someone at recipient's address may sign for delivery.

Indirect Signature
If no one is available at recipient's address, someone at a neighboring address may sign for delivery. For residential deliveries only.

Does this shipment contain dangerous goods?

No Yes Yes Dry Ice Cargo Aircraft Only

One box must be checked. Shipper's Declaration not required. Dry Ice, 9, UN 1845 _____ x _____ kg

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7 Payment Bill to:

Enter Fed/Ex Acct. No. or Credit Card No. below.

Sender Recipient Third Party Credit Card Cash/Check

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Total Packages _____ Total Weight _____ lbs.

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SC Court of Appeals



8122 2332 6401

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