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THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM HORRY COUNTY  
Court of Common Pleas

Larry B. Hyman, Jr., Circuit Court Judge

Appellate Case No. 2018-000375

**RECEIVED**  
JUL 17 2018  
SC Court of Appeals

Cole Austin Dunn and John Richard  
Smith,

Appellants,

v.

Kenneth A. Davis as Personal  
Representative of the Estate of Kenneth  
Miles Davis,

Respondent,

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**RESPONDENT'S MOTION TO EXTEND THE DEADLINE FOR THE SUBMISSION  
OF RESPONDENT'S INITIAL BRIEF AND DESIGNATION OF MATTER**

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Ellis R. Lesemann, Esq.  
J. Taylor Powell, Esq.  
LESEMANN & ASSOCIATES LLC  
418 King Street, Suite 301  
Charleston, SC 29403  
(843) 724-5155  
**Attorneys for Respondent**

COMES NOW Respondent Kenneth A. Davis as Personal Representative of the Estate of Kenneth Miles Davis, and hereby requests an extension of time to file the Respondent's Initial Brief and Designation of Matter in the above-captioned appeal. Respondent's Initial Brief is currently due on Friday, July 20, 2018. With the extension of time requested herein, Respondent's Initial Brief will be due on Tuesday, September 4, 2018. As grounds for this Motion, Appellants state as follows:

1. Due to obligations relating to other matters, including a date certain trial that is set for August 6, 2018 in the Beaufort County Court of Common Pleas, Civil Action No.: 2016-CP-07-1675, followed by another date certain trial that is starting on August 13, 2018, in the Charleston County Court of Common Pleas Civil Action No.: 2015-CP-10-2751, the completion of trial preparations and post-trial briefings relating to these two trials, counsel and Respondent anticipate that they will not have sufficient time to prepare and file Respondent's Initial Brief.

2. The deadline for Respondent's Initial Brief has not been previously extended. Furthermore, counsel for the Appellants have consented to the extension of time for Respondent to file their Initial Brief.

**THEREFORE**, Appellants respectfully request an extension of time to Tuesday, September 4, 2018, for Respondent to file their Initial Brief.

*(Signature on following page)*

Respectfully submitted,

By: 

Ellis R. Lesemann

J. Taylor Powell

LESEMANN & ASSOCIATES LLC

418 King Street, Suite 301

Charleston, SC 29403

(843) 724-5155

**Attorneys for Respondent**

July 16, 2018

Charleston, South Carolina

**CERTIFICATE OF SERVICE**

I hereby certify that I have this date, mailed, postage prepaid, a true and correct copy of the **Respondent's Motion to Extend the Deadline for the Submission of Respondent's Initial Brief and Designation of Matter** to the following counsel of record:

J. Dwight Hudson, Esquire  
Hudson Law Offices  
Post Office Box 70218  
Myrtle Beach, SC 29572  
**Attorneys for Appellants**  
**Cole Austin Dunn and John Richard Smith**

By:   
Alden J. Stair

July 16, 2018  
Charleston, South Carolina

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**SC Court of Appeals**

# LESEMANN & ASSOCIATES LLC

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July 16, 2018

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## VIA FEDERAL EXPRESS

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

Re: *Cole Austin Dunn and John Richard Smith vs. Kenneth A. Davis,*  
*as Personal Representative of the Estate of Kenneth Miles Davis*  
Appellate Case No. 2018-000375

Dear Ms. Kitchings:

Enclosed for filing please find the original and six (6) copies of Respondent's Motion to Extend the Deadline for the Submission of Respondent's Initial Brief and Designation of Matter in connection with the above-referenced matter. Also enclosed is this firm's check made payable to the South Carolina Court of Appeals in the amount of Twenty-Five and No/100 Dollars (\$25.00) representing the applicable filing fee.

Please file the original of this pleading with the Court and return a file-stamped copy to me in the self-addressed stamped envelope provided.

Thank you for your assistance with this matter.

With best regards,

  
J. Taylor Powell

JTP/ajs  
Enclosure

cc: J. Dwight Hudson, Esquire

✓

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ALDEN STAIR

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418 KING STREET, SUITE 301  
CHARLESTON, SC 29403  
UNITED STATES US

BILL SENDER

TO THE HONORABLE JENNY A. KITCHINGS  
SC COURT OF APPEALS, CLERK OF COURT  
1220 SENATE STREET

COLUMBIA SC 29201

(843) 724-5155

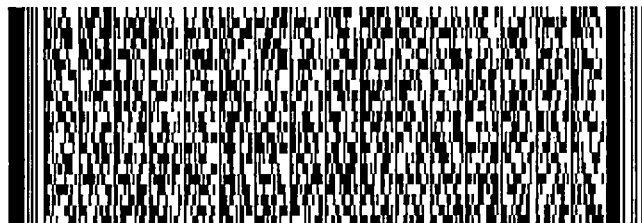
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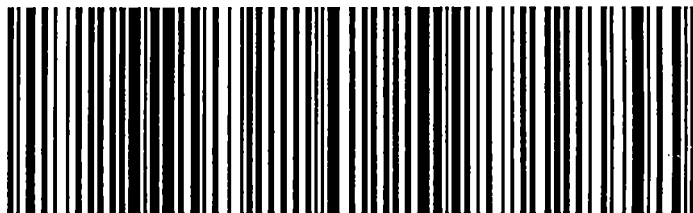
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