

87694

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-10-3919

Appellate Case No. 2017-002032

**RECEIVED**  
AUG 28 2018  
SC Court of Appeals

Athan Fokas ..... Respondent/Appellant,

v.

Phillip Ferderigos, Spiros Ferderigos,  
and Jacob Ferderigos ..... Defendants,

of Whom

Spiros Ferderigos and Philip Ferderigos are ..... Appellants/Respondents,

And

Jacob Ferderigos is ..... Respondent.

---

**Joint Consent Motion for Extension of Time to Serve Record on Appeal**

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M. DAWES COOKE, JR., ESQUIRE  
JEREMY E. BOWERS, ESQUIRE  
Barnwell, Whaley, Patterson and Helms, LLC  
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Charleston, South Carolina 29402  
Phone: (843) 577 – 7700  
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ATTORNEYS FOR SPIROS FERDERIGOS

Other counsel of Record:

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715 King Street  
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Attorney for Phillip Ferderigos

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Attorney for Jacob Ferderigos

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215 East Bay Street, Suite #303  
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(843) 216-6940  
Attorney for Athan Fokas

THE STATE OF SOUTH CAROLINA  
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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 sixty (60) day extension of time to serve the 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.

2. On August 3, 2018, Respondent/Appellant, Athan Fokas, served his Initial Reply Brief.

3. On August 6, 2018, Appellants/Respondents, Spiros Ferderigos and Phillip Ferderigos, served their Initial Joint Reply Brief.

4. Pursuant to Rule 210(a), SCACR, the Record on Appeal is due to be served on or before September 5, 2018.

5. Even though this appeal involves cross appeals by Respondent/Appellant, Athan Fokas, and Appellants/Respondents, Spiros Ferderigos and Phillip Ferderigos, the Court previously ordered the parties to serve one Record on Appeal by Order dated February 9, 2018.

6. The parties jointly request an additional sixty (60) day extension to serve the Record on Appeal. Counsel for all parties consent to this extension. The parties request the additional time to consolidate the designation of matters to be included in the Record on Appeal for the pending cross appeals.

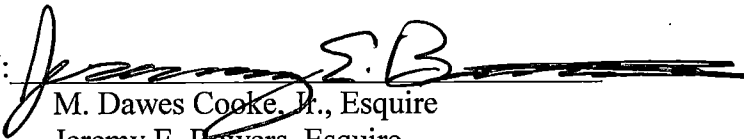
7. Additionally, the parties are also involved in another cross appeal (Case No. 2018-000516), and they currently have Initial Respondent Briefs due on September 14, 2018. As a result, the parties are spending significant time and resources completing those Initial Respondent Briefs.

8. 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 September 5, 2018, the parties believe the extension of time would provide until November 5, 2018, to serve the consolidated 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 a sixty (60) day extension of time to serve the consolidated Record on Appeal.

BARNWELL WHALEY PATTERSON & HELMS, LLC

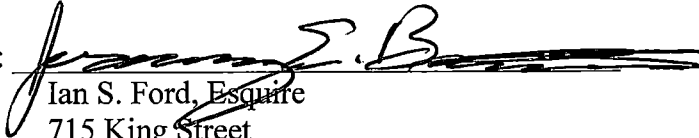
BY: 

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

ATTORNEYS FOR SPIROS FERDERIGOS

-AND-

FORD WALLACE THOMSON, LLC

BY: 

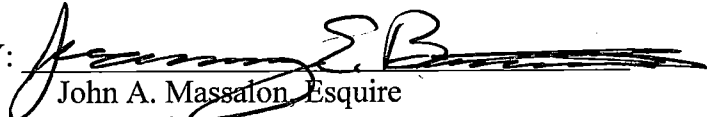
Ian S. Ford, Esquire  
715 King Street  
Charleston, South Carolina 29403  
PHONE: (843) 277-2011

ATTORNEYS FOR PHILLIP FERDERIGOS

← ISF w/  
written permission

-AND-

WILLS MASSALON & ALLEN, LLC

BY: 

John A. Massalon, Esquire  
97 Broad Street  
Charleston, SC 29401  
PHONE: (843) 727-1144

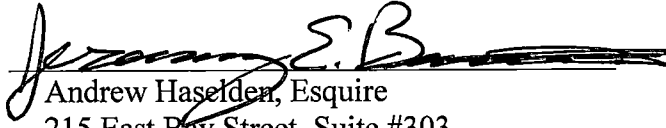
ATTORNEY FOR JACOB FERDERIGOS

← JAM w/  
written permission

-AND-

HOWSER NEWMAN & BESLEY, LLC

BY:

A handwritten signature in black ink, appearing to read "Andrew Haselden", is written over a horizontal line. The signature is stylized and somewhat cursive.

Andrew Haselden, Esquire  
215 East Bay Street, Suite #303  
Charleston, SC 29401  
PHONE: (843) 216-6940

ATTORNEYS FOR ATHAN FOKAS

→ AH w/  
written permission

August 27, 2018  
Charleston, South Carolina

## Jeremy Bowers

---

**From:** Andy Haselden <ahaselden@hnblaw.com>  
**Sent:** Monday, August 27, 2018 11:12 AM  
**To:** Jeremy Bowers; Ian Ford (ian.ford@fordwallace.com); jmassalon@wmalawfirm.net  
**Subject:** RE: Fokas v. Ferderigos

Sign. Thanks.

---

**From:** Jeremy Bowers <jbowers@barnwell-whaley.com>  
**Sent:** Monday, August 27, 2018 11:09 AM  
**To:** Andy Haselden <ahaselden@hnblaw.com>; Ian Ford (ian.ford@fordwallace.com) <ian.ford@fordwallace.com>; jmassalon@wmalawfirm.net  
**Subject:** Fokas v. Ferderigos

All, I hope this e-mail finds everyone doing well. In the breach of contract cross-appeal, we currently have the Record on Appeal due to be served on or before September 5<sup>th</sup>. The Court has ordered us to do a consolidated Record on Appeal with all matters designated in the cross-appeals. I have drafted a proposed consent motion asking for an additional 60 days to serve the Record on Appeal. Please let me know if you all consent and if I am authorized to sign on your behalf.

In the defamation action, we have respondent briefs due on September 14, 2018. Thanks, and best wishes...

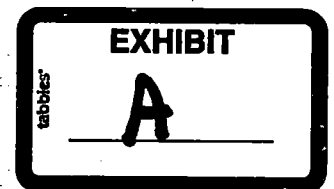
Jeremy

**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](mailto:jbowers@barnwell-whaley.com) | [Firm Website](#) | [Bio](#) | [vCard](#)



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## Jeremy Bowers

---

**From:** John A. Massalon <jmassalon@wmalawfirm.net>  
**Sent:** Monday, August 27, 2018 11:45 AM  
**To:** Ian Ford; Jeremy Bowers  
**Cc:** Andy Haselden  
**Subject:** RE: Fokas v. Ferderigos

Me too.

JM

---

**From:** Ian Ford <ian.ford@fordwallace.com>  
**Sent:** Monday, August 27, 2018 11:13 AM  
**To:** Jeremy Bowers <jbowers@barnwell-whaley.com>  
**Cc:** Andy Haselden <ahaselden@hnblaw.com>; John A. Massalon <jmassalon@wmalawfirm.net>  
**Subject:** Re: Fokas v. Ferderigos

Hi Jeremy. I consent and please sign my name. Thanks.

Ian

Ford Wallace Thomson LLC  
[www.FordWallace.com](http://www.FordWallace.com)

On Aug 27, 2018, at 11:09 AM, Jeremy Bowers <[jbowers@barnwell-whaley.com](mailto:jbowers@barnwell-whaley.com)> wrote:

All, I hope this e-mail finds everyone doing well. In the breach of contract cross-appeal, we currently have the Record on Appeal due to be served on or before September 5<sup>th</sup>. The Court has ordered us to do a consolidated Record on Appeal with all matters designated in the cross-appeals. I have drafted a proposed consent motion asking for an additional 60 days to serve the Record on Appeal. Please let me know if you all consent and if I am authorized to sign on your behalf.

In the defamation action, we have respondent briefs due on September 14, 2018. 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](mailto:jbowers@barnwell-whaley.com) | [Firm Website](#) | [Bio](#) | [vCard](#)

<image003.jpg>

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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.

<Motion for Extension RE Record on Appeal.DOC>

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Spiros Ferderigos and Philip Ferderigos are ..... Appellants/Respondents,

And

Jacob Ferderigos is ..... Respondent.

\_\_\_\_\_  
PROOF OF SERVICE  
\_\_\_\_\_

I certify that on this 27<sup>th</sup> day of August 2018, I have served on all counsel of a copy of the attached Joint Consent Motion for Extension of Time to Serve Record on Appeal by causing a copy of the same to be placed in the U.S. Mail, first-class postage paid, addressed to:

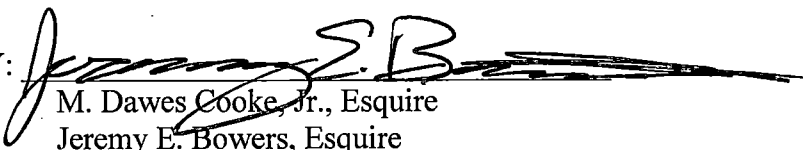
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Attorney for Athan Fokas

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Jeremy E. Bowers, Esquire  
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Post Office Drawer H  
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PHONE: (843) 577 - 7700

ATTORNEYS FOR APPELLANT SPIROS FERDERIGOS

August 27, 2018  
Charleston, South Carolina



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

August 27, 2018  
VIA OVERNIGHT DELIVERY

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

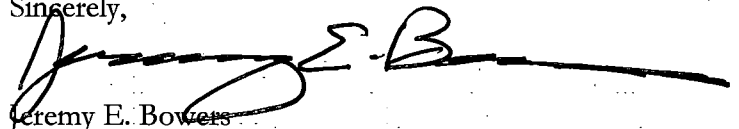
RE: Fokas v. Ferderigos  
Case No.: 2015-CP-10-3919  
Court of Appeals Tracking No.: 2017-002032

Dear Ms. Kitchings:

Please find enclosed an original and seven (7) copies of the Joint Consent Motion for Extension of Time to Serve Record on Appeal in the above-referenced matter. 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

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SC Court of Appeals

[www.barnwell-whaley.com](http://www.barnwell-whaley.com)

SOUTH CAROLINA OFFICE:  
288 Meeting Street, Suite 200, Charleston, SC 29401  
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NORTH CAROLINA OFFICE:  
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



Package  
US Airbill

FedEx  
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Number

8122 2332 6710

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Receipt

**1 From**

Date Abp/2018

Sender's Name Jeremy F. Bowers Phone 843 571-1400

Company BARNWELL WHALEY PATTERSON HELM

Address 288 MEETING ST STE 200  
Dept./Floor/Suite/Room

City CHARLESTON State SC ZIP 29401-1584

**2 Your Internal Billing Reference** 5033.001

**3 To Recipient's Name** The Honorable Jenny Abbott Kitchings, Clerk Phone 803 184-1990

Company South Carolina Court of Appeals

Address 1320 Senate Street  
We cannot deliver to P.O. boxes or P.O. ZIP codes. Dept./Floor/Suite/Room

Address \_\_\_\_\_  
Use this line for the HOLD location address or for continuation of your shipping address.

City Columbia State SC ZIP 29201

**4 Express Package Service** \*To most locations.

**Next Business Day**

FedEx First Overnight  
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?**

One box must be checked.

No  Yes As per attached Shipper's Declaration.  Yes Shipper's Declaration not required.

Restrictions apply for dangerous goods—see the current FedEx Service Guide.

Dry Ice Dry Ice, 9, UN 1845 \_\_\_\_\_ x \_\_\_\_\_ kg

Cargo Aircraft Only

**7 Payment Bill to:**

Enter FedEx Acct. No. or Credit Card No. below. Obtain recip. Acct. No.

Sender Acct. No. in Section will be billed.  Recipient  Third Party  Credit Card  Cash

Total Packages \_\_\_\_\_ Total Weight \_\_\_\_\_ lbs. Credit Card Auth. \_\_\_\_\_



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