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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

Case No. 2015-CP-10-3891

Appellate Case No. 2018-000516

Athan Fokas Respondent/Appellant,

v.

Phillip Ferderigos and Spiros Ferderigos Appellants/Respondents,

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

M. Dawes Cooke, Jr., Esquire
Jeremy E. Bowers, Esquire
Barnwell Whaley Patterson & Helms, LLC
288 Meeting Street, Suite #200 (29401)
Post Office Drawer H
Charleston, SOUTH CAROLINA 29402
PHONE: (843) 577 - 7700
ATTORNEYS FOR APPELLANTS

September 10, 2018
Charleston, South Carolina

Other counsel of Record:

Joseph R. Weston, Esquire
Stephanie Anthony, Esquire
Weston Craig Anthony, LLC
761 Johnnie Dodds Blvd., Suite #100
Mount Pleasant, SC 29464
(843) 881-4995
Attorneys for Spiros Ferderigos

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Ian S. Ford, Esquire
Ford Wallace Thomson, LLC
715 King Street
Charleston, South Carolina 29403
(843) 277-2011
Attorney for Phillip Ferderigos

Laura W. Robinson, Esquire
Vernis & Bowling of Columbia, LLC
1401 Main Street, Suite #655
Columbia, SC 29201
(803) 234-5416
Attorney for Phillip Ferderigos

Leslie S. Lenhardt, Esquire
Lenhardt Law Firm, LLC
738 St. Andrews Blvd., Suite C
Charleston, SC 29407
(843) 371-5453, Ext. 702
Attorney for Athan Fokas

Andrew Haselden, Esquire
Howser, Newman & Besley, LLC
215 East Bay Street, Suite #303
Charleston, SC 29401
(843) 216-6940
Attorney for Athan Fokas

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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 fourteen (14) 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 previously requested a sixty (60) day extension to file their Initial Respondent Briefs and Designations of Matters for Inclusion in the Record. The current deadline to serve and file each party's Initial Respondent Brief and Designations of Matters for Inclusion in the Record is September 14, 2018.

4. The parties jointly request an additional fourteen (14) 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 fourteen (14) days to serve and file their Initial Briefs and Designations of Matters for Inclusion in the Record. The new deadline would be September 28, 2018.

5. The Initial Briefs argued numerous exceptions to the rulings from the lower court that resulted in the grant of summary judgment, and the parties need an extension of time to properly prepare their Initial Briefs and to determine the appropriate contents of the Record on Appeal.

6. As Hurricane Florence has intensified and continues to approach South Carolina, the possibility of significant storm surge and dangerous conditions along the Charleston County coastline has increased. Additionally, the possibility of evacuations has increased. The Governor for the State of South Carolina declared a state of emergency on September 8, 2018. Numerous office and road

closures are expected at the time for the parties' current deadline to file their Initial Respondent Briefs and Designations of Matters for Inclusion in the Record. Additionally, the parties and counsel need to devote significant time to make hurricane preparations or to evacuate in the event the anticipated conditions worsen.

7. For these reasons, the parties respectfully request an additional fourteen (14) days to serve and file their Initial Briefs and Designations of Matters for Inclusion in the Record. The new deadline would be September 28, 2018.

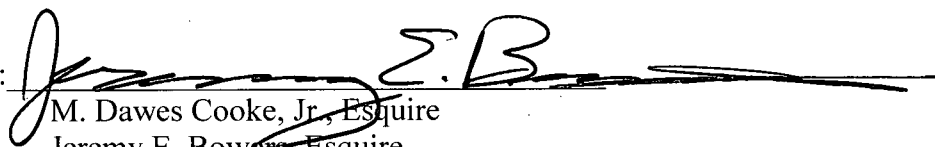
8. Counsel for Appellants/Respondents has consulted with all counsel of record, and all counsel consent to the extension request.

9. If this extension is granted and based upon the current deadline of September 14, 2018, the parties believe the extension of time would provide all Respondents until September 28, 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 fourteen (14) 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:

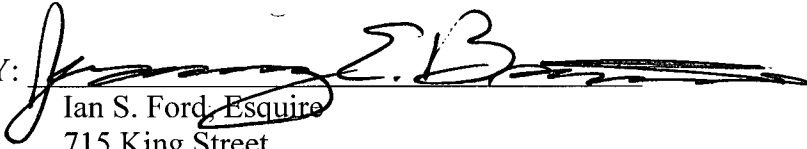


M. Dawes Cooke, Jr., Esquire
Jeremy E. Bowers, Esquire
288 Meeting Street, Suite #200 (29401)
Post Office Drawer H
Charleston, SOUTH CAROLINA 29402
PHONE: (843) 577 - 7700

ATTORNEYS FOR SPIROS FERDERIGOS

-AND-

FORD WALLACE THOMSON, LLC

BY: 

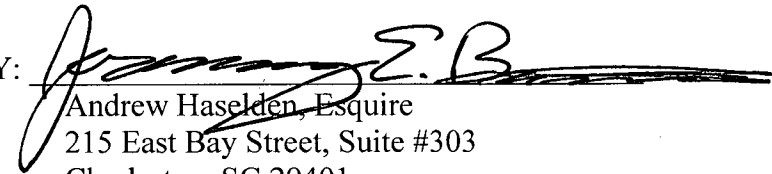
Ian S. Ford, Esquire
715 King Street
Charleston, South Carolina 29403
PHONE: (843) 277-2011

ISF w/
written permission

ATTORNEYS FOR PHILLIP FERDERIGOS

-AND-

HOWSER NEWMAN & BESLEY, LLC

BY: 

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

AH w/
written permission

ATTORNEYS FOR ATHAN FOKAS

September 10, 2018
Charleston, South Carolina

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Proof of Service

I certify that on this 10th day of September 2018, I have served on all counsel of record a copy of the attached Second 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:

Joseph R. Weston, Esquire
Stephanie Anthony, Esquire
Weston Craig Anthony, LLC
761 Johnnie Dodds Blvd., Suite #100
Mount Pleasant, SC 29464
(843) 881-4995
Attorneys for Spiros Ferderigos

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Charleston, South Carolina 29403
(843) 277-2011
Attorney for Phillip Ferderigos

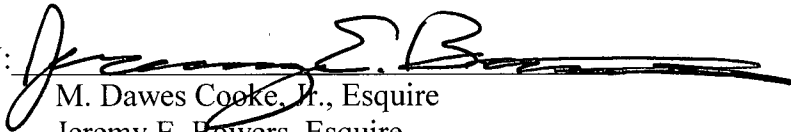
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(843) 371-5453, Ext. 702
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Andrew Haselden, Esquire
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215 East Bay Street, Suite #303
Charleston, SC 29401
(843) 216-6940
Attorney for Athan Fokas

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

September 10, 2018
Charleston, South Carolina



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

September 10, 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-10-3891
Court of Appeals Tracking No.: 2018-000516

Dear Ms. Kitchings:

Please find enclosed an original and seven (7) copies of the Second Joint Consent Motion for Extension of Time to Serve Initial Respondent Briefs and Designation of Matter to Be Included in the Record on Appeal the above-referenced matter. The parties file this Motion with the written consent of all counsel of record and based upon the current projections of Hurricane Florence. 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
Joseph R. Weston, Esquire
Laura W. Robinson, Esquire

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SC Court of Appeals

www.barnwell-whaley.com

SOUTH CAROLINA OFFICE:
288 Meeting Street, Suite 200, Charleston, SC 29401
P 843.577.7700 F 843.577.7708

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

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Address **288 MEETING ST STE 200**

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2 Your Internal Billing Reference **5033,001**

3 To Recipient's

Name **The Honorable Jenny Abbott Kittinger Clark** Phone **803 734-1390**

Company **The South Carolina Court of Appeals**

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City **Columbia** State **SC** ZIP **29201**

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