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STATE OF SOUTH CAROLINA
In the Court of Common Pleas
Fifteenth Judicial Circuit

APPEAL FROM Horry COUNTY
Circuit Court

The Honorable Thomas W. Cooper, Jr.
Special Referee

Case No.: 2011-CP-26-00873

Appellate Case No: 2018-001199

I.D. Jeram and Mayur Jeram..... Respondents

v.

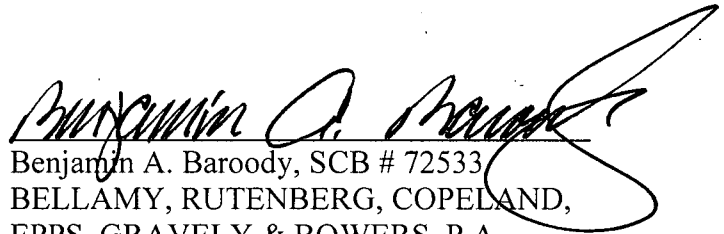
Rajendra V. Patel, Bhupendra Patel, and Pankaj Patel..... Appellants,

NOTICE OF PETITION AND PETITION FOR EXTENSION OF TIME

Appellants Rajendra V. Patel, Bhupendra Patel, and Pankaj Patel move pursuant to Rule 263(b) for an Order enlarging the time within which they must file and serve their Initial Brief and Designation of Matter to be Included in the Record on Appeal due to the delays caused by Hurricane Florence. Respondents consent to the relief sought in this Petition. A memorandum is submitted herewith in further support of same.

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SEP 21 2018
SC Court of Appeals

Respectfully submitted,


Benjamin A. Baroody, SCB # 72533
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(843) 448-2400
Counsel for Appellant

Myrtle Beach, South Carolina

September 19, 2018

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v.

Rajendra V. Patel, Bhupendra Patel, and Pankaj Patel..... Appellants,

**MEMORANDUM IN SUPPORT OF
APPELLANTS PETITION FOR EXTENSION OF TIME**

Appellants Rajendra V. Patel, Bhupendra Patel, and Pankaj Patel (“Appellants”), by and through their undersigned counsel, submit this Memorandum in Support of Appellants Petition for Extension as follows:

PROCEDURAL HISTORY

Appellants filed their Notice of Appeal on June 27, 2018. On July 2, 2018, this Court ordered that Appellants file their Initial Brief and Designation of Matter to be Included in the Record on Appeal on or before July 27, 2018. On July 17, 2018, counsel for Appellants, with the consent of counsel for Respondents, requested an extension of thirty (30) days as the parties were engaged in settlement discussions. This Court granted the request, extending the filing deadline

until August 27, 2018. On August 23, 2018, counsel for Appellants, with the consent of counsel for Respondents, requested an extension of thirty (30) days due to personal reasons, the details of which were disclosed to opposing counsel, and which may be disclosed to this Court in an Affidavit for in camera review in the interest of privacy upon request from same by this Court. This Court granted the request, extending the filing deadline until September 26, 2018.

The parties had also scheduled a mediation for Monday, September 17, 2018 to attempt a resolution of this case before incurring the expense of briefing the case to the Court.

As a result of Hurricane Florence, counsel has lost one full week of work-September 11 – 17, 2018-while preparing for the hurricane and caring for family. Counsel likewise had to cancel the mediation, and have rescheduled it for November 14, 2018.

DISCUSSION

Good cause exists to enlarge the current deadline one final time. Hurricane Florence caused a full week delay in the handling of this and all other cases by counsel. Moreover, the parties had planned to participate in a mediated settlement conference on Monday, September 17, 2018 in Charleston, the resolution of which would have resulted in a dismissal of this case and, in turn, no need to prepare briefs and other required filings. In the event of an impasse, counsel would have ten (10) days within which to prepare the necessary briefing and meet the prescribed deadline. An additional extension will put the parties back on schedule, allowing them to prepare for and participate in a mediation and, in the event the mediation is not successful, then prepare briefs to this Court within the requisite timeframe.

Opposing counsel consents to this Petition. No party will suffer any prejudice as a result of this Court granting the relief sought herein. To the contrary, the parties and their counsel will suffer prejudice in the event this Petition is denied, for they will be forced to incur the expense of

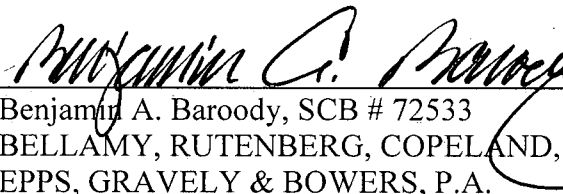
attorneys fees utilized to prepare briefs which, in the event this case is settled at mediation, they otherwise would not have to incur.

CONCLUSION

For the foregoing reasons, Appellants request this honorable court extend the deadline for them to file their Initial Brief and Designation of Matter to be Included in the Record on Appeal from September 26, 2018 until November 26, 2018.

Alternatively, Appellants request a seven (7) day extension – to account for the missed days during Hurricane Florence – until October 4, 2018.

Respectfully submitted,



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September 19, 2018

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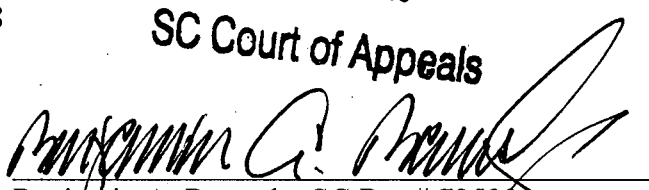
Rajendra V. Patel, Bhupendra Patel, and Pankaj Patel..... Appellants,

PROOF OF SERVICE

I certify that I have served the Notice of Petition and Petition for Extension of Time on the person(s) whose name and address appear below by depositing a copy of it in the United States Mail, postage prepaid, on September 20, 2018.

Carl Scott Masel, Esquire
Newby Sartip Masel & Casper, LLC
Post Office Box 808
Myrtle Beach, South Carolina 29578
- Counsel for the Respondents

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September 20, 2018

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* LLM TAXATION
** LICENSED IN SC & NC
+ CERTIFIED MEDIATOR
** CERTIFIED ARBITRATOR



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September 20, 2018

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

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SC Court of Appeals

Re: I.D. Jeram, et. al. v. Bhupendra Patel, et. al.
Appeal No. : 2018-001199

Dear Ms. Kitchings:

Enclosed for filing please find Appellant's Notice of Petition and Petition for Extension of Time in the above-referenced matter. Opposing counsel does not oppose this motion.

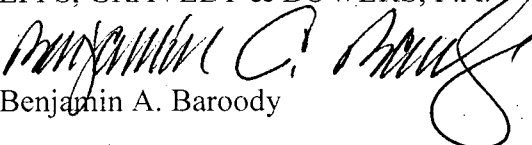
The filing fee in the amount of \$25.00 is enclosed. According to my calculations, should this Petition be granted, Appellant's Reply Brief will be due on or before September 26, 2018. Please let me know immediately if my calculations are incorrect.

I would appreciate you returning a clocked copy of the Proof of Service in the enclosed self-addressed, stamped envelope I have provided for your convenience.

With kindest personal regards, I am

Yours very truly,

BELLAMY, RUTENBERG, COPELAND,
EPPS, GRAVELY & BOWERS, P.A.


Benjamin A. Baroody

Enclosures as noted
cc: Client
Carl Scott Masel, Esquire

✓

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ATTORNEYS AT LAW
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