

88009

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. 2017-CP-10-2183

**RECEIVED**  
OCT 03 2018  
SC Court of Appeals

Dewberry 334 Meeting Street, LLC,

Respondent,

v.

City of Charleston and Board of Zoning Appeals-Zoning,

Appellants.

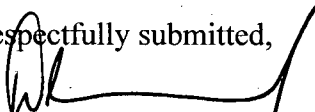
**MOTION FOR EXTENSION OF THE TIME IN WHICH TO SERVE AND FILE  
APPELLANTS' INITIAL REPLY BRIEF AND DESIGNATION OF MATTER**

Pursuant to Rule 263(b), SCACR, Appellants City of Charleston and City of Charleston Board of Zoning Appeals-Zoning (collectively, the "City") hereby move the Court for an order extending the time in which to serve and file their initial reply brief and designation of matter ("DOM") in this appeal to October 11, 2018 to accommodate a family medical emergency.

The City has previously received a ten (10) day extension of the time in which to serve and file its initial reply brief and DOM to October 1, 2018. The City's counsel of record has a family medical emergency, which resulted in a member of counsel's immediate family being admitted to the hospital late Sunday, September 16, being released late Monday, and having complications through late Thursday. As a result, the City's counsel has been out of the office much of the week of September 16 and has not had sufficient time to draft an initial reply brief.

Respondent's counsel has consented to the request. The City's initial brief was 32 pages and Respondent's initial brief was 47 pages, so the time it will take to complete the reply brief is not *de minimis*. Moreover, the City will commit to serving and filing the Record on Appeal in this matter within 20 days of serving its initial reply brief so that this extension will not result in any unnecessary delay of the appeal.

Respectfully submitted,



Daniel S. McQueeney, Jr. (S.C. Bar No. 6802)  
Assistant Corporation Counsel  
mcqueeneyd@charleston-sc.gov

Frances I. Cantwell (S.C. Bar No. 1121)  
Of Counsel  
cantwellf@charleston-sc.gov

50 Broad Street  
Charleston, South Carolina 29401  
Telephone: 843-724-3730

Attorneys for Appellants City of Charleston and  
Board of Zoning Appeals-Zoning

October 1, 2018  
Charleston, South Carolina

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

**RECEIVED**

OCT 03 2018

J.C. Nicholson, Jr., Circuit Court Judge

**SC Court of Appeals**

Case No. 2017-CP-10-2183

Dewberry 334 Meeting Street, LLC,

Respondent,

v.

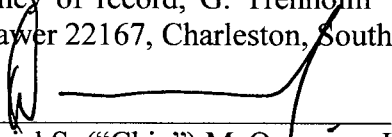
City of Charleston and Board of Zoning Appeals-Zoning,

Appellants.

PROOF OF SERVICE

I certify that I have served Appellants' motion for an extension of the time in which to serve and file their initial reply brief and designation of matter on Respondent Dewberry 334 Meeting Street, LLC, by depositing a copy of it in the United States Mail, postage prepaid, on October 1, 2018, addressed to its attorney of record, G. Trenholm Walker, Walker Gressette Freeman & Linton, LLC, Post Office Drawer 22167, Charleston, South Carolina 29413.

October 1, 2018

  
Daniel S. ("Chip") McQueeney, Jr. (S.C. Bar No. 6802)  
mcqueeneyd@charleston-sc.gov

City of Charleston  
50 Broad Street  
Charleston, South Carolina 29401  
Telephone: (843) 724-3730  
Attorneys for Appellants City of Charleston and Board of  
Zoning Appeals-Zoning



*City of Charleston*

**WILLIAM B. REGAN LEGAL CENTER**

50 Broad Street  
Charleston, SC 29401  
tel 843-724-3730  
fax 843-724-3706

**CORPORATION COUNSEL**

Susan J. Herdina  
herdinas@charleston-sc.gov

**ASSISTANT CORPORATION COUNSEL**

Janie E. Borden  
bordenj@charleston-sc.gov

Daniel S. ("Chip") McQueeney, Jr.  
mcqueeneyd@charleston-sc.gov

Stirling Halversen  
halversens@charleston-sc.gov

**OF COUNSEL**

Frances I. Cantwell  
cantwellf@charleston-sc.gov

October 1, 2018

**RECEIVED**

OCT 03 2018

SC Court of Appeals

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, SC 29211

RE: Dewberry 334 Meeting Street, LLC, Respondent, v. City of Charleston and Board of Zoning Appeals-Zoning, Appellants  
Appellate Case No. 2018-000378

Dear Ms. Kitchings:

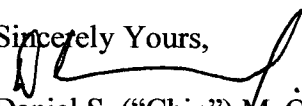
Please be advised that I represent Appellants City of Charleston and the Board of Zoning Appeals-Zoning (collectively, the "City"), in the above-referenced matter.

Enclosed, please find an original and six (6) copies of the City's motion to extend the date within which to serve and file the City's initial reply brief and designation of matter, along with the original proof of service and the filing fee of \$25.00. Counsel for Respondent Dewberry 334 Meeting Street, LLC has consented to the motion.

Thank you for your attention, and please let me know if you have any questions or concerns.

With kindest regards, I remain,

Sincerely Yours,

  
Daniel S. ("Chip") McQueeney, Jr.  
S.C. Bar No. 06802

DSM

c: G. Trenholm Walker (Counsel for Respondent)

✓

Daniel S. McQueeney, Jr.  
City of Charleston – Legal Dept.  
50 Broad Street  
Charleston, SC 29401

Hasler

FIRST-CLASS MAIL

10/01/2018

US POSTAGE \$000.89<sup>00</sup>



ZIP 29401  
011E12650821

**RECEIVED**  
OCT 03 2018  
SC Court of Appeals

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, SC 29211

