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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM HORRY COUNTY
Court of Common Pleas

The Honorable Cynthia Graham Howe, Master-in-Equity, Fifteenth Judicial Circuit

Case No. 2009-CP-26-620
Appellate Case No. 2016-001075

Ellis E. Smith, individually and on behalf of A & E Constructors and Consultants, Inc., a South Carolina Corporation.....Plaintiffs,

v.

Arthur Wayne Vereen, Park Place Properties of Myrtle Beach, LLC, Parkway Offices, LLC, Arthur Vereen Construction, Inc., Linda C. Vereen, Arthur W. Vereen, as Trustee of the Arthur W. Vereen Residence Trust, and Linda C. Vereen, as Trustee of the Linda C. Vereen Residence Trust,Defendants

AND

Arthur Wayne Vereen, individually and on behalf of A & E Constructors and Consultants, Inc., and 29th Place Developers, Inc.,.....Third-Party Plaintiffs,

v.

E. Smith and Sons Construction, LLC, EES Construction and Consulting, Inc., and Ellis E. Smith, individually,.....Third-Party Defendants,

Of whom Arthur Wayne Vereen, individually and on behalf of A & E Constructors and Consultants, Inc., Park Place Properties of Myrtle Beach, LLC, Parkway Offices, LLC, Arthur Vereen Construction Company, Inc., Linda C. Vereen, Arthur Wayne Vereen, as Trustee of the Arthur W. Vereen Residence Trust, Linda C. Vereen, as Trustee of the Linda C. Vereen Residence Trust, and 29th Place Developers, In. are the Appellants,

And

Ellis E. Smith, individually and on behalf of A & E Constructors and Consultants, Inc., a South Carolina Corporation and E. Smith and Sons Construction, LLC, EES Construction and Consulting, Inc., and Ellis E. Smith, individually are the Respondents.

MOTION FOR EXTENSION OF 3.5 PAGES

Respondent A & E Constructors and Consultants, Inc. (A&E) respectfully requests an additional 3.5 pages to allow its final brief to comply with the page limitations set by the Court.

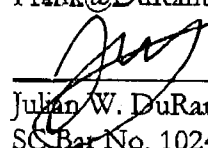
On August 7, 2018, A&E moved for an extension of time to file its initial brief from August 22, 2018 to September 21, 2018. It also moved for an additional fifteen pages. Respondent requested additional time and additional space to adequately explain the factual background of this case—three-plus-years' worth of transactions—and to contest the issues raised by Appellants. Counsel for Appellants consented to that motion.

On August 22, 2018, A&E filed its initial brief. On September 6, 2018, the Court declined to act on A&E's motion because the initial brief was timely filed and did not exceed the page limitations.

After placing the record cites in the final brief, the brief now totals 53.5 pages. That brief has already been sent, but hasn't yet been received, by the Clerk's Office for filing. At this stage in the briefing, A&E may not cut its brief down to comply with the fifty-page limit without running afoul of Rule 201(b). Even if it could, A&E's brief is dedicated to responding to the issues raised by Appellants and preserving well-supported arguments in favor of sustaining judgment rendered in its favor below. Accordingly, A&E respectfully asks the Court to grant its motion for an additional 3.5 pages so that its final brief may comply with the appellate rules.



Frank H. DuRant
SC Bar No. 1802
Frank@DuRantLawOffice.com



Julian W. DuRant
SC Bar No. 102420
Julian@DuRantLawOffice.com

DuRant & DuRant, P.A.
P.O. Box 960 (29578)
Myrtle Beach, SC 29578
T: 843-448-1541 F: 843-626-7431

Attorneys for A&E Constructors and
Consultants, LLC



DuRant & DuRant PA
ATTORNEYS AND COUNSELORS AT LAW
2107 Farlow Street
Myrtle Beach, South Carolina 29577

Frank H DuRant *
Julian W. DuRant **
*licensed in South Carolina
**licensed in South Carolina
& North Carolina

Telephone: (843) 448-1541
Telecopier: (843) 626-7431

December 4, 2018

BY FAX

The Honorable Jenny Abbot Kitchings
Clerk of Court
South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201
Fax No. 803-734-1839

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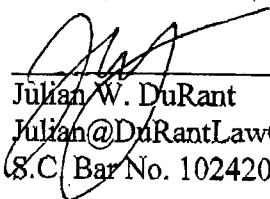
Dear Ms. Kitchings:

Please find enclosed a motion for an extension of 3.5 pages to Respondent A & E Constructors and Consultants, Inc.'s final brief.

We will mail a copy to the Court (along with an executed certificate of service to all counsel of record) tomorrow.

Please contact me to acknowledge receipt.

Thanks,



Julian W. DuRant
Julian@DuRantLawOffice.com
S.C. Bar No. 102420

CC (By Fax): Counsel of Record