

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
G. Thomas Cooper, Jr., Circuit Court Judge

RECEIVED
JAN 09 2019
SC Court of Appeals

Appellate Case No. 2018-000723
Case No. 2017-CP-40-4437

James R. Zedosky, Lenore K. Zedosky, Douglas Shea, and
Sally Shea, Respondents,

v.

D.R. Horton, Inc. and Town of Blythewood, Defendants,

Of Which, D.R. Horton, Inc. is the..... Appellant,

And Town of Blythewood is a..... Respondent.

**MOTION FOR EXTENSION TO
FILE INITIAL BRIEF OF
RESPONDENT TOWN OF BLYTHEWOOD**

The Respondent Town of Blythewood respectfully moves this Court for a 30-day extension of time until February 8, 2019, by which to file and serve its Initial Brief and Designation of Matter to be Included in the Record on Appeal.

The Respondent Town of Blythewood's motion is based on the following grounds:

1. Based upon this Court's Order filed December 10, 2018, which amended the caption to identify the Town of Blythewood as a "Respondent," the Town's Initial Respondent's Brief is currently due to be filed and served on January 9, 2019.

2. The undersigned counsel for the Respondent Town of Blythewood requires additional time to complete the preparation and drafting of the Town's Initial Respondent's Brief because of other obligations and deadlines, including two other appellate briefs that were filed in this Court and the South Carolina Supreme Court in the past several days.

3. Upon consulting with the other counsel of record to obtain consent for a short extension, the Town's counsel learned that Alan Peace, counsel for the other Respondents, never received a copy of the Court's December 10, 2018 Order, was therefore unaware of the current January 9, 2019 deadline, and intends to request a 30-day extension on that basis (with consent from all parties). While the Town was originally planning to request only a seven-day extension, with the urging of the Appellant's counsel and in order to keep the briefing process on the same schedule, the Town joins the other Respondents' motion for a 30-day extension until February 8, 2019. Counsel for the Town was further advised by the Appellant's counsel that some additional settlement negotiations are imminent and that the 30-day extension may

assist in that process. For these reasons, the Town seeks a 30-day extension rather than a shorter period to complete the briefing process.

4. As indicated, counsel for the Appellant has been consulted and has consented to a 30-day extension through February 8, 2019. (See attached email).

WHEREFORE, the Respondent Town of Blythewood respectfully requests that it be allowed until February 8, 2019, by which to file and serve its Initial Brief and Designation of Matter to be Included in the Record on Appeal.

LINDEMANN, DAVIS & HUGHES P.A.

BY: 

ANDREW F. LINDEMANN #13030
5 Calendar Court, Suite 202
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Columbia, South Carolina 29260
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-and-

MICHAEL W. TIGHE #5574
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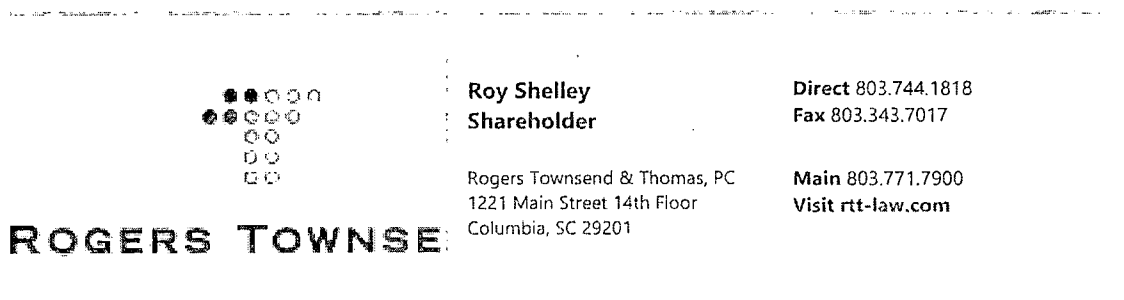
Counsel for Respondent Town of Blythewood

January 9, 2019

Andrew Lindemann

From: Roy Shelley <ROY.SHELLEY@rtt-law.com>
Sent: Wednesday, January 9, 2019 10:38 AM
To: Andrew Lindemann
Cc: M. Alan Peace; Erin Sweatman
Subject: RE: Zedosky v. DR Horton appeal

Sure, no problem. Actually, I might have something to discuss with y'all by the middle of next week. If you want, go ahead and request a 30day extension.



From: Andrew Lindemann [mailto:Andrew@LDH-Law.com]
Sent: Wednesday, January 9, 2019 10:08 AM
To: Roy Shelley <ROY.SHELLEY@rtt-law.com>
Cc: M. Alan Peace <apeace@hmp-law.com>; Erin Sweatman <Erin.Sweatman@rtt-law.com>
Subject: Zedosky v. DR Horton appeal

****External Email****

Roy:

I have gotten into a bit of a time crunch with other briefs due and would like to request a 7-day extension for my Respondent's Brief that is due today. Will you consent? I would very much appreciate it.

Thanks.

Andrew

NOTICES

PRIVILEGED AND CONFIDENTIAL: This electronic message (including any attachments) is intended only for the use of the individual or entity to which it is addressed and may contain information that is attorney-client privileged, may be confidential work product, or may be exempt from disclosure under applicable law. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is wrongful, is strictly prohibited, and may subject you to civil liability. If you have received this communication in error, please immediately notify us by telephone at 803-771-7900 (Columbia office) or 704-442-9500 (Charlotte office) or by return e-mail, and destroy any copies (electronic, paper, or otherwise) that you may have of this communication.

CERTIFICATE OF SERVICE

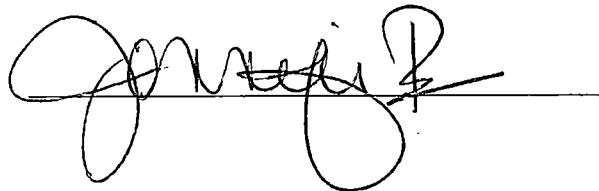
The undersigned employee of Lindemann, Davis & Hughes, P.A., counsel for the Town of Blythewood, does hereby certify that service of the **Motion for Extension to File Initial Brief of Respondent Town of Blythewood** was made upon all counsel of record by placing copies in the United States Mail, first class postage prepaid, at the below listed addresses clearly indicated on said envelopes this the 9th day of January 2019:

M. Alan Peace, Esquire
Taylor A. Peace, Esquire
Harrell, Martin & Peace, P.A.
Post Office Box 1000
Chapin, South Carolina 29036

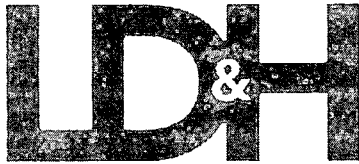
T. McRoy Shelley, III, Esquire
Rogers Townsend & Thomas, P.C.
Post Office Box 100200
Columbia, South Carolina 29202-3200

Michael W. Tighe, Esquire
Callison Tighe & Robinson, LLC
Post Office Box 1390
Columbia, South Carolina 29202-1390

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A handwritten signature in black ink, appearing to read "Michael W. Tighe", is written over a horizontal line.



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DAVIS &
HUGHES

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5 Calendar Court, Suite 202 (29206)
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JOEL S. HUGHES†
Direct Dial: (803) 881-8923
Email: joel@ldh-law.com

*Also Admitted in North Carolina
†Certified Mediator

January 9, 2019

Hand Delivered

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: James R. Zedosky, Lenore K. Zedosky, Douglas Shea, and Sally Shea v. D.R. Horton, Inc.
and Town of Blythewood
Appellate Case Number: 2018-000723
Civil Action Number: 2017-CP-40-4437
Claim Numbers: SF-17-0775-0001, 0002, 0003, 0004, 0005, 0006 and 0007
Our File Number: 321.10317

Dear Ms. Kitchings:

Please find enclosed for filing the original and seven copies of the **Motion for Extension to File Initial Brief of Respondent Town of Blythewood** in the above referenced matter. I would appreciate you filing the original and returning a clocked in copy to me by way of my paralegal. I have also enclosed my firm's \$50.00 check for the filing fee.

By copy of this letter, I am serving copies on all counsel of record. Thank you for your assistance in this matter.

Sincerely,

LINDEMANN, DAVIS & HUGHES, P.A.

Andrew F. Lindemann

AFL/jmb
Enclosures

✓

The Honorable Jenny Abbott Kitchings
January 9, 2019
Page Two

cc: M. Alan Peace, Esquire (*w/ Enclosure*)
Taylor A. Peace, Esquire (*w/ Enclosure*)
T. McRoy Shelley, III, Esquire (*w/ Enclosure*)
Michael W. Tighe, Esquire (*w/ Enclosure*)