

STATE OF SOUTH CAROLINA
In The Court Of Appeals

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JAN 09 2019

SC Court of Appeals

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

Appellate Case No. 2018-000723

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

v.

D.R. Horton, Inc. and Town of Blythewood..... Defendants,
Of Which D.R. Horton, Inc. isAppellant
And Town of Blythewood is a Respondent

MOTION FOR AN ADDITIONAL 30-DAY EXTENSION OF TIME TO FILE INITIAL BRIEF OF RESPONDENTS JAMES R. ZEDOSKY, LENORE K. ZEDOSKY, DOUGLAS SHEA, AND SALLY SHEA AND DESIGNATION OF MATTER

Respondents James R. Zedosky, Lenore K. Zedosky, Douglas Shea, and Sally Shea (“Zedosky Respondents”), by and through their undersigned counsel respectfully request a 30 day extension of time, or until February 8, 2019 to file the Initial Brief and Designation of Matter for Respondents James R. Zedosky, Lenore K. Zedosky, Douglas Shea, and Sally Shea, which is currently due on January 9, 2019.

This is the third extension requested since the original deadline in this matter. The first extension request was granted on October 5, 2018. Upon the filing of the second extension request on October 30, 2018, the Court issued its Order dated November 1, 2018 staying all filing requirements pending the Court’s ruling on Appellant’s Motion to Amend Caption to add Town of Blythewood as an additional Respondent. The Court issued its Order on December 10, 2018 adding Town of Blythewood as an additional Respondent and gave all Respondents thirty (30) days to file their Initial Briefs and Designation of Matter.

This request is based on the fact that counsel for Zedosky Respondents was just made aware today, January 9, 2019, that the Court had issued an Order adding Town of Blythewood as a Respondent and establishing today as the deadline for filing Respondents’ Initial Briefs and Designation of Matter. After being notified of such, Zedosky Respondents’ counsel’s paralegal contacted the Court regarding the Order and was informed that the Order filed on December 10, 2018 was mailed to Zedosky Respondents’ counsel’s physical address of 135 Columbia Ave.,

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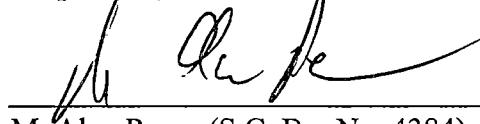
Chapin, South Carolina 29036. Although this is Zedosky Respondents' counsel's physical address, it is not the address Zedosky Respondents' counsel uses to receive mail. The correct mailing address for Zedosky Respondents' counsel is P.O. Box 1000, Chapin, South Carolina 29036. Apparently other items of mail have also been sent to the physical address in this case and have been returned to the Court undelivered. Zedosky Respondents' counsel has corrected the deficiency with the Attorney Information System at the South Carolina Bar website the morning of January 9, 2019. Based on receipt of notice that the deadline is today, counsel does not have sufficient time to prepare and file the Initial Brief and Designation of Matter on behalf of Zedosky Respondents and respectfully requests a 30 day extension of time.

Additionally, the request is based on the fact that the parties will be engaging in settlement negotiations during this time and the additional 30-day extension will assist in those negotiations.

Furthermore, Zedosky Respondents understand that counsel for Co-Respondent Town of Blythewood is also filing a Motion for an additional 30-Day extension today with the Court to file the Initial Brief and Designation of Matter for Co-Respondent today. Upon information and belief, the parties will not be prejudiced and the case will not be delayed further by the granting of the request for extension.

Counsel for Zedosky Respondents has discussed this request for an additional 30 day extension with counsel for Appellant D.R. Horton, Inc., and counsel for Co-Respondent both have consented to the relief requested herein.

Respectfully submitted,



M. Alan Peace (S.C. Bar No. 4384)
Taylor A. Peace (S.C. Bar No. 100206)
Harrell, Martin & Peace, P.A.
P.O. Box 1000
Chapin, South Carolina 29036
(803) 345-3353

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

January 9, 2019
Chapin, South Carolina

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v.

D.R. Horton, Inc. and Town of Blythewood..... Defendants,
Of Which D.R. Horton, Inc. isAppellant
And Town of Blythewood is..... Respondent

**AFFIDAVIT OF M. ALAN PEACE, ESQUIRE IN SUPPORT OF MOTION FOR
EXTENSION OF TIME TO FILE INITIAL BRIEF AND DESIGNATION OF MATTER
OF RESPONDENTS JAMES R. ZEDOSKY, LENORE K. ZEDOSKY, DOUGLAS SHEA,
AND SALLY SHEA**

Personally appeared before me the undersigned who, being duly sworn, deposes and says
as follows:

1. I am over the age of eighteen and have knowledge of the facts set forth in this Affidavit.
2. I am licensed to practice law in the State of South Carolina and my South Carolina Bar Number is 4384.
3. I am counsel of record for Respondents James R. Zedosky, Lenore K. Zedosky, Douglas Shea, and Sally Shea in this appeal.
4. The Court previously issued its Order on November 1, 2018 staying the necessity

of filing the Initial Brief by my clients pending a determination of Appellant's Motion to Amend Caption to add Town of Blythewood as an additional Respondent.

5. That Motion was granted by Order filed December 10, 2018 wherein Respondents were instructed to serve and file their Initial Briefs and Designations of Matter within 30 days of the Order, which would be today, January 9, 2019.

6. I did not receive a copy of the Order via regular mail or electronically. My co-counsel, Taylor A. Peace, also did not receive a copy of the Order via regular mail or electronically.

7. I only became aware that Respondents' Initial Brief and Designation of Matter were due today by receipt of an email from Andrew F. Linderman, counsel for Co-Respondent Town of Blythewood to Appellant's counsel, Thomas McRoy Shelley, III indicating Mr. Lindeman's intent to request an extension of time to file the Initial Brief and Designation of Matter by Respondent Town of Blythewood today.

8. I placed a call to Mr. Shelley today and was informed by Mr. Shelley that the Order had been filed on December 10, 2018. Mr. Shelley transmitted a copy of the Order to me by email today.

9. Upon receipt of a copy of the Order, my paralegal, Tracy Slice Moore, contacted the Court and was informed that the Order was mailed to 135 Columbia Ave., Chapin, South Carolina 29036. That address is the street address of my office and not the Post Office Box address where my firm regularly receives mail. That address is P.O. Box 1000, Chapin, South Carolina 29036. She was also informed that other documents that had been mailed to me at 135 Columbia Ave., Chapin, South Carolina 29036 in this case had been returned undelivered to the Court.

10. The first time I received actual notice of the filing of the Order was today, January 9, 2019.

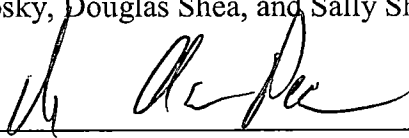
11. Upon further investigation with the Attorney Information System with the South Carolina Bar, it has been determined that the street address of 135 Columbia Ave., Chapin, South Carolina was listed as my primary mailing address and my Post Office address was listed as the alternate address. A correction has been made at the Attorney Information System today listing my firm's post office box address as my primary mailing address.

12. On the basis that I just received notice today that the Initial Brief and Designation of Matter is due today, I respectfully request that a 30-day extension of time be granted to allow the Initial Brief and Designation of Matter to be filed on behalf of Respondents James R. Zedosky, Lenore K. Zedosky, Douglas Shea, and Sally Shea.

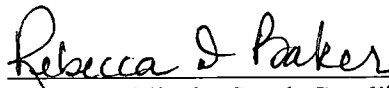
13. In addition to the above, based on my telephone conversation with Mr. Shelley, the parties anticipate engaging in settlement negotiations for this case and the extension of time would assist in those negotiations.

14. It is my understanding that counsel for Co-Respondent Town of Blythewood is also requesting a 30-day extension in which to file the Initial Brief and Designation of Matter for Co-Respondent Town of Blythewood.

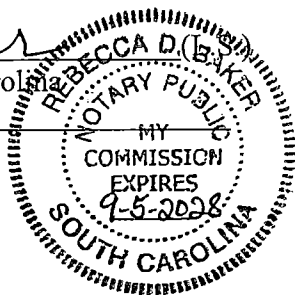
15. Counsel for Appellant and counsel for Co-Respondent have consented to the request for a 30-day extension of time to file the Initial Brief and Designation of Matter by Respondents James R. Zedosky, Lenore K. Zedosky, Douglas Shea, and Sally Shea.



M. Alan Peace



Notary Public for South Carolina
My Commission Expires: _____



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HARRELL, MARTIN & PEACE, P.A.

ATTORNEYS AND COUNSELORS AT LAW

135 Columbia Avenue

Post Office Box 1000

Chapin, South Carolina 29036

TELEPHONE: 803-345-3353

FAX: 803-345-9171

hmp-law.com.com

L.K. "Trey" Harrell, III
Jeremy C. Martin
*M. Alan Peace ***
Jennifer Dowd Nichols
Taylor A. Peace
Andrea "Andi" Cornelison

*Robert W. Dibble, Jr. **
*William Jennings (Bill) Buchanan **
*Donald W. Tyler **
*Thomas B. Jackson, III **

**Of Counsel*
***Certified Mediator/Arbitrator*

January 9, 2019

VIA HAND DELIVERY

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

Re: **James R. Zedosky, Lenore K. Zedosky, Douglas Shea, and Sally Shea v. D.R. Horton, Inc. and Town of Blythewood**
Appellate Case No.: 2018-000723
Case No. 2017-CP-40-04437
Our File No.: 3347.28229/MAP

Dear Ms. Kitchings:


Our law firm represents the Respondents, James R. Zedosky, Lenore K. Zedosky, Douglas Shea, and Sally Shea, in the above referenced matter. Enclosed please find an original and seven (7) copies of the Respondents James R. Zedosky, Lenore K. Zedosky, Douglas Shea, and Sally Shea's Motion for Extension of Time of Respondents to File Initial Brief and Designation of Matter. Also enclosed is our firm's check in the amount of \$25.00 for the filing fee. Please file the originals and return a clocked copy to me in the self-addressed envelope provided.

By copy of this letter, I am serving all counsel of record with a copy of the same

Thank you for your assistance with this matter.

Sincerely,

HARRELL, MARTIN & PEACE, P.A.



M. Alan Peace, Esquire

MAP/tsm
Enclosures

cc: T. McRoy Shelley, III, Esq. (w/enclosures) via Hand Delivery
Andrew Lindemann (w/enclosures) via Hand Delivery