

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

DeAndrea Gist Benjamin, Circuit Court Judge

Case No.: 2017-CP-40-03697  
Appellate Case No. 2018-000889

**RECEIVED**  
JAN 15 2019  
SC Court of Appeals

Amanda Leigh Huskins and Jay R. Huskins.....Appellants,

v.

Mungo Homes, LLC,.....Respondent.

**MOTION FOR EXTENSION TO FILE RESPONDENT’S BRIEF**

This motion is filed pursuant to Rule 240 of the South Carolina Appellate Court Rules, which governs motions and petitions generally. Respondent respectfully requests an extension of time to file its Initial Brief until fourteen (14) days after the Court advises the parties whether it intends to issue a new order on Respondent’s motion to dismiss in light of Respondent’s Reply, which was timely served, but not received or considered by the Court prior to issuing its decision on the subject Motion to Dismiss.

Respondent’s deadline to serve its Reply to Appellant’s Return to the Motion to Dismiss was November 20, 2018. (Exhibit A). Respondent served and filed its Reply to Appellants’ Return to Respondent’s Motion to Dismiss on November 12, 2018. (See, Exhibit B). Thereafter, Respondent’s Reply was routed through the United States Mail Recovery Center, which the

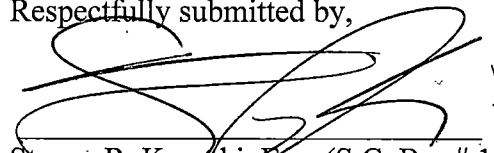
undersigned understands is the recovery process when mail is lost or otherwise made undeliverable by the United States Postal Services. (Exhibit C). As a result, this Court ruled on the Motion to Dismiss on December 13, 2018 but did not receive Respondent's Reply to Appellant's Return until December 27, 2018 (Exhibit C). Accordingly, the Court was unable to consider the Respondent's Reply, although it was timely served.

Following discovery of this issue, the Court notified the undersigned that the Reply was received, and the Court would provide further guidance as to the status of the motion to dismiss and whether the Court wishes to issue a new decision with consideration of the Respondent's Reply. The parties have not been notified as to how the Court wished to resolve this issue, and it is possible that an amended or new decision of the Court could impact all or some of the issues on appeal identified by the Appellant. This would likewise impact the subject matter of Respondent's Initial Brief.

Respondent will not require a long extension and will be prepared to serve and file its Initial Brief promptly, if necessary. This request will not prejudice the Appellants, and Respondent does not anticipate requesting any further extensions concerning its Initial Brief and Designation of Matter.

This 14<sup>th</sup> day of January 2019.

Respectfully submitted by,



Steven R. Kropfski, Esq. (S.C. Bar # 101441)  
David W. Overstreet, Esq. (S.C. Bar# 16965)  
Earhart Overstreet LLC  
P.O. Box 22528  
Charleston, South Carolina 29413  
(843) 972-9404

Attorneys for Mungo Homes, LLC

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

---

APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

DeAndrea Gist Benjamin, Circuit Court Judge

---

Case No.: 2017-CP-40-03697  
Appellate Case No. 2018-000889

---

**RECEIVED**  
JAN 15 2019  
SC Court of Appeals

Amanda Leigh Huskins and Jay R. Huskins.....Appellants,

v.

Mungo Homes, LLC,.....Respondent.

Respondent.


---

**PROOF OF SERVICE**

---

I, Robert Eaton, an employee of Earhart Overstreet LLC, attorney for Respondent Mungo Homes, LLC certify that I served a copy of the attached *Motion for Extension* by depositing a copy of it in the United States Postal Service, postage prepaid, on January 14, 2019, addressed to Appellant Amanda Leigh Huskins and Jay R. Huskins' attorneys of record, Beth B. Richardson of Robinson Gray Stepp & Laffite, LLC at P.O. Box 11449 Columbia, South Carolina 29211; Terry E. Richardson, Jr., Matthew J. Nickles, and Brady R. Thomas of Richardson, Patrick, Westbrook, and Brickman, LLC at P.O. Box 1368 Barnwell, SC 29812 and Charles H. McDonald at Belser & Belser, P.A. at P.O. Box 96 Columbia, SC 29202

January 14, 2019

  
Robert Eaton



# Earhart Overstreet

ATTORNEYS AT LAW

Main: 843.972.9400  
www.earhartoverstreet.com  
PO Box 22528, Charleston, SC 29413

Steve@earhartoverstreet.com  
Direct: 843.972.9404

January 14, 2019

**VIA U.S. MAIL AND FAX**

Jenny Abbott Kitchings, Clerk of Court  
South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, South Carolina 29211

Re: Amanda Leigh Huskins and Jay R. Huskins v. Mungo Homes, LLC.  
Appellate Case No.: 2018-000889  
EO File No.: 110-0137

Dear Ms. Kitchings:

As the Court is aware, Respondent's Reply to Appellant's Return to Respondent's Motion to Dismiss this appeal was timely served, however, due to an issue with the United States Postal Service, the Reply was not immediately delivered to the Court of Appeals but routed through the USPS Mail Recovery Center. As a result, the Reply was received by this Court after a decision was filed on the Motion to Dismiss. It is my understanding that the Court is aware of the issue and will provide guidance on how they wish to address this issue, and whether a new decision will be issued with the benefit of consideration of the Reply. Out of an abundance of caution, to avoid possible prejudice to the Respondent if its Initial Brief is filed before a determination of how the Reply will be considered on the Motion to Dismiss, Respondent is requesting a brief extension of time to serve and file its Initial Brief and Designation of Matter, if necessary, until the parties have been advised as to how to the above issue will proceed. Enclosed please find an original and six (6) copies of Respondent's Motion for Extension to File Respondent's Initial Brief and the \$50.00 filing fee. If you have any questions, please do not hesitate to contact me.

With kind regards, I am

Sincerely,

STEVEN R. KROPSKI

**RECEIVED**

JAN 15 2019

SC Court of Appeals

SRK/rle  
Enclosures



# Earhart Overstreet

ATTORNEYS AT LAW

Main: 843.972.9400

[www.earhartoverstreet.com](http://www.earhartoverstreet.com)

PO Box 22528, Charleston, SC 29413

[Steve@earhartoverstreet.com](mailto:Steve@earhartoverstreet.com)

Direct: 843.972.9404

cc: Beth B. Richardson, Esquire  
Terry E. Richardson, Jr., Esquire  
Matthew J. Nickles, Esquire  
Brady R. Thomas, Esquire  
Charles H. McDonald, Esquire