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THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM AIKEN COUNTY  
Court of Common Pleas  
Doyet A. Early III, Circuit Judge

**RECEIVED**

MAR 26 2019

SC Court of Appeals

Appellate Case No. 2018-002068

Wells Fargo Bank, N.A.,.....Respondent,

v.

Michael G. Morgan; Margaret H. Fitch, M.D.; Eric J. Olig; South Carolina Department  
of Revenue; Linda Lawrence Bowen; Defendants,

Of whom Michael G. Morgan is the.....Appellant.

MOTION FOR EXTENSION OF TIME TO SERVE AND FILE INITIAL BRIEF  
AND DESIGNATION OF MATTER  
TO BE INCLUDED IN RECORD ON APPEAL

Appellant hereby moves pursuant to Rule 263(b), SCACR, for an extension to  
May 1, 2019, of the time in which to serve and file Appellant's initial brief and  
designation of matter to be included in the record on appeal. The grounds for this  
motion are that there is good cause to grant the requested extension, as the following  
shows:

1. The undersigned counsel for Appellant recently received a letter from  
the court stating that Appellant's initial brief and designation of  
matter to be included in the record on appeal are overdue. This  
perplexed Appellant's counsel, since the deadlines for perfecting the

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underlying appeal were held in abeyance, pursuant to Rule 240(b), SCACR, from December 11, 2018, to February 28, 2019.

2. On December 11, 2018, Appellant served and filed a motion that sought for the court to determine whether an order subject of this appeal is void and, if the court so determined, for the court to dismiss this appeal. (Mot. Determine Validity of Order Subj. of Appeal.) That motion sought “an order determining the November 2, 2018, order subject of this appeal to be void and, accordingly, *dismissing this appeal*, or alternatively, for the court to issuing a ruling giving guidance on how the parties are to deal with the issue of the validity of this order as outlined above.” (Mot. Determine Validity of Order Subj. of Appeal p. 6, emphasis added.)
3. Pursuant to Rule 240(b), SCACR, the deadlines for the perfection of an appeal are held in abeyance pending this court’s decision on a motion to dismiss an appeal.
4. Accordingly, when the undersigned received the transcripts subject of this appeal, he addressed this in his letter so notifying the court on January 25, 2019, as follows:

As there is a presently pending motion that, if granted in full, would result in the dismissal of this appeal, it is my understanding that, under Rule 240(b), SCACR, the deadline for the service and filing of the appellant’s initial brief and designation of matter for inclusion in the record on appeal is stayed for the time being and will run 30 days from the entry of an order deciding that motion, if the appeal is not dismissed by that

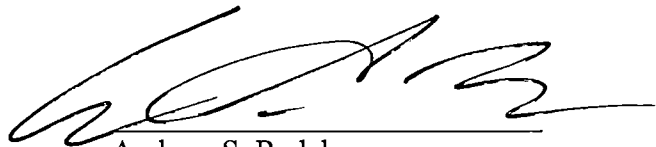
order. If the court has a different understanding, please let me know.

5. On February 28, 2019, the court entered an order on Appellant's motion that declined to rule on the validity of the lower court order and dismiss the appeal and noted that the parties may brief the issue of that order's validity.
6. Accordingly, the undersigned calculated the deadline for the service and filing of Appellant's initial brief and designation as April 1, 2019, as March 30, 2019, is a Saturday.
7. Before he received the March 18, 2019, letter stating that the initial brief and designation were overdue, the undersigned had never received any communication from the court indicating that his understanding of this deadline being held in abeyance was incorrect.
8. As the undersigned reads the rules, the deadline for Appellant's initial brief and designation was indeed held in abeyance until February 28, 2019, and does not run until 30 days from that date.
9. Regardless, though, the undersigned seeks an extension of this deadline. The month of March has been chockablock with court events for Appellant's counsel, and he has not had time to write the Appellant's initial brief, nor will he have time to do so between now and April 1.
10. This is the first extension of this deadline that Appellant has sought in this appeal.

11. Appellant's counsel believes there is good cause to grant the requested extension of this deadline.

WHEREFORE Appellant prays for an order extending the time in which to serve and file Appellant's initial brief and designation of matter to be included in the record on appeal to May 1, 2019.

Respectfully submitted,



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Attorney for Appellant

March 26, 2019

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of Revenue; Linda Lawrence Bowen; Defendants,

Of whom Michael G. Morgan is the.....Appellant.

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PROOF OF SERVICE

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I certify that I served the foregoing motion for extension in this case by  
depositing a copy of it on the date shown below in the United States Mail, postage  
prepaid, addressed as follows:

Stacie C. Knight, Esq.  
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300 South Tryon Street, 16<sup>th</sup> Floor  
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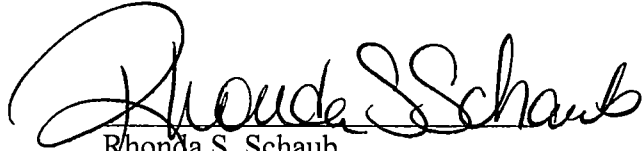
Brittany L. Kilpatrick, Esq.  
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Smith, Massey, Brodie, Guynn & Mayes  
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March 26, 2019

Respectfully submitted,

A handwritten signature in black ink, reading "Rhonda S. Schaub". The signature is written in a cursive style with a large, looping initial "R".

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