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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

The Honorable Stephanie P. McDonald, Circuit Court Judge

Case No. 2010-CP-10-10490

Appellate Case No.: 2015-001590

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MAR 29 2019
SC Court of Appeals

I'On Assembly, Inc., Brad J. Walbeck, and Lea Ann Adkins, individually and derivatively on behalf of I'On Assembly, Inc.,

Respondents,

v.

The I'On Company, LLC, The I'On Club, LLC, The I'On Group, LLC f/k/a Civitas, LLC, and I'On Realty, LLC

Appellants.

**RESPONDENTS' MOTION TO EXCEED PAGE LIMITS FOR THEIR
PETITION FOR REHEARING OF THE COURT'S SUBSTITUTED OPINION**

Justin O'Toole Lucey, Esquire (SC Bar No.: 15438)
Joshua F. Evans, Esquire (SC Bar No.: 77448)
Dabny Lynn, Esquire (SC Bar No.: 78703)
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Attorneys for the Respondents

**RESPONDENTS' MOTION TO EXCEED PAGE LIMITS FOR THEIR
PETITION FOR REHEARING OF THE COURT'S SUBSTITUTED OPINION**

Pursuant to the South Carolina Appellate Court Rules ("SCACR"), Respondents, I'On Assembly, Inc., Brad J. Walbeck, and Lea Ann Adkins, individually and derivatively on behalf of I'On Assembly, Inc., respectfully move for an order allowing them to file their Petition for Rehearing ("Petition") of this Court's Substituted Opinion currently due on April 15, 2019 in excess of twenty-five pages.

Respondents do not believe that justice to this complicated case which involves may complex issues, lengthy and detailed facts spanning over a decade, and a record on appeal exceeding 3,500 pages, can be done in the twenty-five pages authorized for a Petition for Rehearing under our appellate court rules.

Additionally, the Court's Substituted Opinion addressed unraised issues and created new questions which were not applicable to the Court's Original Opinion or Respondents' Petition to Rehear this Opinion. Several of these issues and questions are novel or involve conflicting precedent which will require both a detailed discussion of the law and the necessary factual background to allow meaningful appellate review. Other issues involve procedural requirements, appellate preclusion and other technical matters which will also necessitate detailing the pleadings spanning four amended complaints, corresponding answers, and multiple motions.

Further, this appeal involves both the direct and derivative claims of Respondents, Walbeck and Adkins, as well as the direct claims of their homeowners' association, the I'On Assembly, which is also a Respondent. Rather, than file two, separate Petitions, and seek to exceed page limits

on both, Respondents believe it is more economical to file one joint Petition not in excess of sixty (60) pages.¹

Consequently, Respondents respectfully request that this Court allow them to file a joint Petition not in excess of sixty (60) pages, or alternatively, not in excess of fifty (50) pages.

Respondents' counsel consulted with Appellants' counsel regarding the requested extension prior to the filing of this Motion and received their consent to the same.

Respondents have enclosed a check for the \$50.00 filing fee associated with this Motion.

JUSTIN O'TOOLE LUCEY, P.A.

By: 

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Attorneys for Respondents

March 28, 2019
Mount Pleasant, SC

¹ Alternatively, Respondents respectfully request that this Court allow them to file a joint Petition not in excess of fifty (50) pages.

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Appellants.

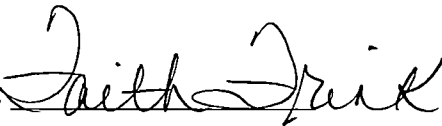
PROOF OF SERVICE

I, Faith Frink, hereby certify that on March 28, 2019 I served a copy of the *Respondents' Motion to Exceed Page Limits for their Petition for Rehearing of the Court's Substituted Opinion* on the following counsel, via United States Mail, postage pre-paid, and addressed as follows:

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Attorneys for P'On Assembly, Inc.

Signed: 

March 28, 2019
Mt. Pleasant, South Carolina

JUSTIN O'TOOLE LUCEY, PA

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Shayla R. Townes
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March 28, 2019

VIA FEDERAL EXPRESS

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: *Brad Walbeck v. The I'On Company*
Appellate Case No.: 2015-001590

Dear Ms. Kitchings:

Enclosed please find the original and seven (7) copies of the *Respondents' Motion to Exceed Page Limit for their Petition for Rehearing of the Court's Substituted Opinion* in the above-referenced matter. Also enclosed is a proof of service of this document upon counsel and a check in the amount of \$50.00 for filing this Motion. Please return the additional filed copy to our office in the self-addressed envelope provided.

Thank you for your time and attention to this matter.

Sincerely,



Faith Frink
Paralegal

DL/dl

Enclosures

cc: Brian C. Duffy, Esquire
Julie L. Moore, Esquire
Seth W. Whitaker, Esquire
Timothy W. Bouch, Esquire
Yancey A. McLeod, III, Esquire
Shawn R. Mullins, Esquire

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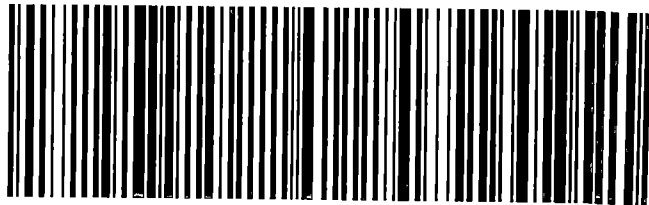
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