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To: 18037341499
From: kbarnes@ycrlaw.com
Date: May 22, 04:29:44 PM EDT
Subj: Delaney v. First Financial of Charleston; Appellate Case No.:2017-000683
Pages: 8

RECEIVED
MAY 23 2019
S.C. SUPREME COURT

Good afternoon,

Attached please find correspondence with regard to our motion for extension to petition for rehearing. The originals, all required copies and the filing fee will all be arriving via FedEx tomorrow. Please do not hesitate to let me know if you need anything further.

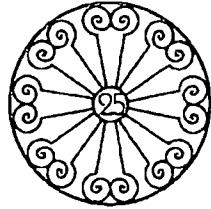
Thanks so much!

Katy B. Barnes
Commercial Litigation Secretary to
Stephen L. Brown, Joanna B. Stroud and Russell G. Hines
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YCR LAW

Kathleen B. Barnes
Secretary

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E-mail: kbarnes@ycrlaw.com

May 22, 2019

VIA FED EX AND FASCIMILE

Honorable Daniel E. Shearouse, Clerk
South Carolina Supreme Court
1231 Gervais Street
Columbia, SC 29201

Re: Otha Delaney v. First Financial of Charleston
Appellate Case No.: 2017-000683
Case No.: 2011-CP-10-7166
YCR File: 14768-20110934

Dear Mr. Shearouse:

Enclosed please find the original and seven (7) copies of our Motion for Extension of Time to Petition for Rehearing, the original and one (1) copy of the Proof of Service of same and our firm's check in the amount of \$50.00 representing the filing fee. Please file the originals and return court-stamped copies to me in the enclosed envelope.

With best wishes and kindest regards, I am

Sincerely,

YCR LAW, LLP

Kathleen B. Barnes
Secretary

Enclosures

cc: Kathy D. Lindsay, Esquire (via US Mail and email)
Frederick M. Corley, Esquire (via US Mail and email)
Philip L. Fairbanks, Esquire (via US Mail and email)

**THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT**

Appeal from Charleston County
Court of Common Pleas

Stephanie P. McDonald, Circuit Court Judge

Case No. 2011-CP-10-07166

On Writ of Certiorari to the Court of Appeals

Appellate Case No. 2017-000683
Opinion No. 27884 (S.C. Sup. Ct. filed May 8, 2019)

Otha Delaney,

Petitioner,

v.

First Financial of Charleston, Inc.

Respondent.

MOTION FOR EXTENSION OF TIME TO PETITION FOR REHEARING

YOUNG CLEMENT RIVERS, LLP
Stephen L. Brown (SC Bar No. 66468)
Russell G. Hines (SC Bar No. 72100)
Perry M. Buckner, IV (SC Bar No. 100031)
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Attorneys for Respondent

NOW COMES Respondent, First Financial of Charleston, Inc. (“First Financial”), by and through its undersigned counsel, pursuant to Rule 263(b), SCACR, and hereby moves this Honorable Court for an extension of fifteen (15) days’ time to petition for rehearing of this matter, which the Court decided via opinion filed May 8, 2019. *See Delaney v. First Financial of Charleston, Inc.*, Op. No. 27884 (S.C. Sup. Ct. filed May 8, 2019) (Shearouse Adv. Sh. No. 19 at 31).

1. Rule 221(a), SCACR, provides, “Petitions for rehearing must be actually received by the appellate court no later than fifteen (15) days after the filing of the opinion, order, judgment, or decree of the court.”

2. Based on the May 8th filing of the Court’s opinion in this case, the present deadline to petition for rehearing is the close of business tomorrow, Thursday, May 23, 2019, which, in accordance with Rule 263(a), SCACR (regarding computation of time), is the 15th day after the opinion’s filing.

3. On account of work-related and other time commitments, the undersigned counsel for First Financial requests the Court’s allowance of fifteen (15) days’ additional time to petition for rehearing.

4. Respectfully, the undersigned submits there is good cause for the Court to grant the relief requested herein, as it is, under the circumstances, a reasonable dispensation, timely sought, consistent with the interests of justice,

posing no threat of undue prejudice to any other party.¹


WHEREFORE, First Financial requests that the Court grant an extension of 15 days' time (running from May 23, 2019) to petition for rehearing. By the undersigned's calculations, if this request is granted, the new deadline to petition for rehearing would be Friday, June 7, 2019. ADDITIONALLY, for the same reasons set forth in support of the within request for an extension of time, First Financial requests that the Court hold the present deadline for petitioning for rehearing in abeyance until the Court acts on this motion.

<SIGNED ON THE FOLLOWING PAGE>

¹ Counsel for First Financial is, of course, mindful of the Court's July 26, 2014, Order "RE: Extensions in Cases Seeking a Petition for a Writ of Certiorari to Review a Decision of the South Carolina Court of Appeals." As counsel understands it, however, this Order does not apply to the instant extension request. Rather, the Order addresses the provisions of Rule 242, SCACR, in respect of the time for preparing a cert petition/appendix, return, and any reply and, in the event cert is granted, the time for preparing the parties' respective briefs. In short, counsel for First Financial understands the Order to apply to the time for preparing the various filings to be made by the parties leading up to the Court's dispositional decision, not to the filing of a petition for rehearing under Rule 221. In the event counsel's interpretation of the Order is mistaken, however, counsel would humbly ask the Court to nonetheless allow some modest extension of time to petition for rehearing, counsel again submitting, most respectfully, that the Court's grant of the same is consistent with the interests of justice and poses no threat of undue prejudice to any other party.

Respectfully submitted,
YOUNG CLEMENT RIVERS, LLP

By:



Stephen L. Brown (SC Bar No. 66468)

Russell G. Hines (SC Bar No. 72100)

Perry M. Buckner, IV (SC Bar No. 100031)

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Attorneys for Respondent

Charleston, South Carolina

Dated:

5/22/19

**THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT**

Appeal from Charleston County
Court of Common Pleas

Stephanie P. McDonald, Circuit Court Judge

Case No. 2011-CP-10-07166

On Writ of Certiorari to the Court of Appeals

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First Financial of Charleston, Inc.

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PROOF OF SERVICE

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Attorneys for Respondent

I, Russell G. Hines, of Young Clement Rivers, LLP, attorneys for Respondent, hereby certify that the foregoing **MOTION FOR EXTENSION OF TIME PETITION FOR REHEARING** was served on all other parties to this matter by depositing a copy of same in the U.S. Mail on May 22, 2019, properly posted for delivery to the following addressees:

Philip L. Fairbanks, Esquire
Law Offices of Philip L. Fairbanks, LLC
1214 King Street
Beaufort, SC 29902

-and-

Frederick M. Corley, Esquire
1214 King Street
Beaufort, SC 29902

-and-

Kathy D. Lindsay, Esquire
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P.O. Box 1911
Beaufort, SC 29901

Attorneys for Petitioner

Respectfully submitted,
YOUNG CLEMENT RIVERS, LLP

By: 

Russell G. Hines (SC Bar No. 72100)

Attorneys for Respondent

Charleston, South Carolina

Dated: 5/22/19