

**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
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Russell G. Hines (SC Bar No. 72100)
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Attorneys for Respondent

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MAY 23 2019

S.C. SUPREME COURT

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:  _____

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Attorneys for Respondent

Charleston, South Carolina

Dated: 5/22/19

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PROOF OF SERVICE

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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:

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-and-

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Respectfully submitted,

YOUNG CLEMENT RIVERS, LLP

By: 

Russell G. Hines (SC Bar No. 72100)

Attorneys for Respondent

Charleston, South Carolina

Dated: 5/22/19