

THE STATE OF SOUTH CAROLINA
In the Supreme Court

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

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

Petitioners,

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

Respondents.

PETITIONERS' MOTION TO EXCEED PAGE LIMITS FOR THEIR PETITION FOR WRIT OF CERTIORARI

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JUN 17 2019

S.C. SUPREME COURT

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PETITIONERS' MOTION TO EXCEED PAGE LIMITS FOR THEIR PETITION FOR WRIT OF CERTIORARI

Pursuant to the South Carolina Appellate Court Rules ("SCACR"), Petitioners, I'On Assembly, Inc., Brad J. Walbeck, and Lea Ann Adkins, individually and derivatively on behalf of I'On Assembly, Inc., respectfully move for Order allowing them to collectively file one Joint Petition for Writ of Certiorari ("Joint Cert Petition") in excess of twenty-five pages. Petitioners proposed, Joint Cert Petition is due on June 21, 2019; or, on July 11, 2019 if this Court grants the pending Consent Motion requesting a twenty (20) day extension of time.

The Petitioners request to exceed page limits because they do not believe that justice to this complicated case, which involves many complex issues, lengthy and detailed facts spanning over a decade, and a record on appeal exceeding 3,600 pages, can be done in the twenty-five pages authorized for Petitions under our Appellate Court Rules.

Additionally, this appeal involves both the direct and derivative claims of Petitioners, Walbeck and Adkins, as well as the direct claims of their homeowners' association, the I'On Assembly, which is also a Petitioner. Rather than file three separate Cert Petitions, Petitioners believe it is more economical to file one Joint Cert Petition not in excess of sixty-five (65) pages.

Further, the proposed, Joint Cert Petition arises from two, substantively different Opinions by the Court of Appeals which necessitated two, separate Petitions to Rehear. Because of the two Opinions and two Petitions to Rehear, there are more questions presented and background facts than usual. Also, several of the issues and questions are novel or involve conflicting precedent which will require a detailed discussion of the law to allow meaningful appellate review; and, other issues involve procedural requirements, appellate preclusion and other technical matters which will necessitate detailing the pleadings spanning four amended complaints, corresponding answers, and multiple motions.

Consequently, Petitioners respectfully ask that this Court allow them to file a Joint Cert Petition not in excess of sixty-five (65) pages.

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

A check for the \$50.00 filing fee associated with this Motion is enclosed.

[SIGNATURE PAGE TO FOLLOW]

JUSTIN O'TOOLE LUCEY, P.A.

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June 12, 2019
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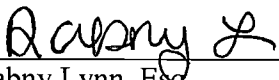
Respondents.

PROOF OF SERVICE

I, Dabny Lynn, hereby certify that on June 12, 2019 I served a copy of the *Petitioners' Motion to Exceed Page Limits for their Petition for Writ of Certiorari* on the following counsel, via United States Mail, postage pre-paid, and addressed as follows:

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Signed: 
Dabny Lynn, Esq.

June 12, 2019
Mt. Pleasant, South Carolina