

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

RECEIVED

Appeal from Charleston County
Court of Common Pleas

JUN 20 2019

Stephanie P. McDonald, Circuit Court Judge

S.C. SUPREME COURT

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.

**THIRD 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)
25 Calhoun Street, Suite 400
Charleston, South Carolina 29401
P.O. Box 993 (29402)
(843) 720-5488

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 additional extension of one (1) week’s time to petition for rehearing of this matter, which the Court decided via majority 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. Pursuant to Rule 263(a), SCACR (regarding computation of time), the original deadline to petition for rehearing was the close of business Thursday, May 23, 2019.

3. By order filed May 24, 2019, the Court extended the deadline for First Financial to serve and file a petition for rehearing until Friday, June 7, 2019.

4. On account of work-related and other time commitments (including longstanding family vacation plans), the undersigned counsel for First Financial made a second motion for extension on June 6, 2019, again requesting the Court’s allowance of fifteen (15) days’ additional time (running from June 7, 2019) to petition for rehearing, i.e., for an extension of time through Monday, June 24,

2019.

5. The undersigned was out of the office on a family summer vacation the work week of June 10–14, 2019, and was not aware until this morning (i.e., the morning of June 17th) that the Court had, by order filed June 10th, granted First Financial’s second motion for extension, but only through today, June 17, 2019, not through June 24, 2019.

6. Most respectfully, the undersigned requests that the Court allow First Financial through Monday, June 24, 2019 (or, alternatively, through Friday, June 21, 2019), to file/serve a petition for rehearing in this matter.

7. This request—which, if granted, will be First Financial’s final request for an extension of this deadline—is made on account of other work-related time commitments (and a good faith effort to manage the same after a week’s absence), and 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

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,

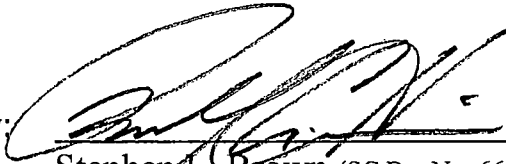
WHEREFORE, First Financial requests that the Court grant an extension of one (1) week's additional time (running from today, June 17, 2019) to petition for rehearing—or, alternatively, an extension through Friday, June 21, 2019. By the undersigned's calculations, if this (the primary) request is granted, the new deadline to petition for rehearing would be Monday, June 24, 2019, pursuant to Rule 263(a)—or, alternatively, Friday, June 21, 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>

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)
25 Calhoun Street, Suite 400
Charleston, South Carolina 29401
P.O. Box 993 (29402)
(843) 720-5488

Attorneys for Respondent

Charleston, South Carolina

Dated:

6/17/19

**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

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.

PROOF OF SERVICE

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)
25 Calhoun Street, Suite 400
Charleston, South Carolina 29401
P.O. Box 993 (29402)
(843) 720-5488

Attorneys for Respondent

RECEIVED

JUN 20 2019

S.C. SUPREME COURT

I, Russell G. Hines, of Young Clement Rivers, LLP, attorneys for Respondent, hereby certify that the foregoing **THIRD MOTION FOR EXTENSION OF TIME TO PETITION FOR REHEARING** was served on all other parties to this matter by depositing a copy of same in the U.S. Mail on June 17, 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
Kathy D. Lindsay, PA
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: 6/17/19