

90156

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

The Honorable Paul Burch, Circuit Court Judge

Case No. 2017-CP-04-05538  
Appellate Case No: 2018-002026

Latoria R. Cooks,

v.

Appellant,

**RECEIVED**

JUN 28 2019

**SC Court of Appeals**

Pearlz Vista, Inc., d/b/a Pearlz  
Oyster Bar, Carolina Ale  
House Operating Company  
LLC, d/b/a Carolina Ale House  
and Art Bar, Inc.

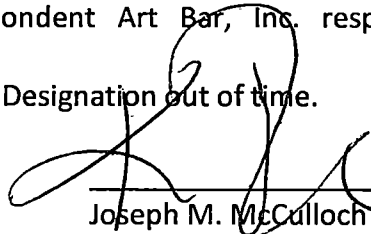
Respondents.

MOTION TO SERVE AND FILE RESPONDENT'S INITIAL BRIEF  
OUTSIDE OF DEADLINE

s/ Joseph M. McCulloch  
Joseph M. McCulloch (SC Bar #3760)  
Kathy R. Schillaci (SC Bar # 17248)  
McCulloch & Schillaci, Attorneys at Law  
1116 Blanding Street, 1<sup>st</sup> Floor  
PO Box 11623 (29211)  
Columbia, South Carolina 29201  
(803) 779-0005 (Phone)  
(803) 779-0666 (Fax)  
[joe@mccullochlaw.com](mailto:joe@mccullochlaw.com)  
[kathy@mccullochlaw.com](mailto:kathy@mccullochlaw.com)

The Respondent, Art Bar, Inc., by and through undersigned counsel, hereby moves pursuant to South Carolina Appellate Court Rule 263(b) for permission to file out of time. The basis for this motion is that the Initial Brief and Designation for all Respondents was originally due on May 30, 2019. On May 21, 2019, Sarah Spruill on behalf of all Respondents filed a *joint request* for a 30 day extension of time in which to file the Initial Brief and Designation making all Respondent briefs and designations due on July 1, 2019. Exhibit A. Counsel for Appellant consented to this request. When the motion was granted (but apparently only as to one Respondent) on or about May 31, 2019, counsel believed the motion had been granted on behalf of all given the joint request. Counsel was not aware of the issue until receiving the June 17, 2019 letter from the Clerk of Court.

Based on the above, Respondent Art Bar, Inc. respectfully requests for permission to file the Initial Brief and Designation out of time.



---

Joseph M. McCulloch (SC Bar #3760)  
Kathy R. Schillaci (SC Bar # 17248)  
McCulloch & Schillaci, Attorneys at Law  
1116 Blanding Street, 1<sup>st</sup> Floor  
PO Box 11623 (29211)  
Columbia, South Carolina 29201  
(803) 779-0005 (Phone)  
(803) 779-0666 (Fax)  
[joe@mccullochlaw.com](mailto:joe@mccullochlaw.com)  
[kathy@mccullochlaw.com](mailto:kathy@mccullochlaw.com)

ATTORNEYS FOR RESPONDENT ART BAR,  
INC.

This 26th day of June, 2019

Columbia, South Carolina

84845

**HAYNSWORTH  
SINKLER BOYD**

HAYNSWORTH, SINKLER BOYD, P.A.  
ONE NORTH MAIN STREET, 2<sup>ND</sup> FLOOR  
P.O. BOX 2048 (29602)  
GREENVILLE, SOUTH CAROLINA 29601  
MAIN 864.240.3200  
FAX 864.240.3300  
www.hsblawfirm.com

SARAH P. SPRUILL  
DIRECT 864.240.3220  
sspruill@hsblawfirm.com

May 21, 2019

**RECEIVED**  
MAY 23 2019  
SC Court of Appeals

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

Re: Latoria R. Cooks v. Pearlz Vista, Inc., d/b/a Pearlz Oyster Bar, Carolina Ale House  
Operating Company, LLC, d/b/a Carolina Ale House, and Art Bar, Inc.  
Appellate Case No. 2018-002026

Dear Ms. Kitchings:

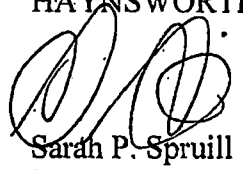
This firm represents Respondent, Pearlz Vista, Inc., d/b/a Pearlz Oyster Bar, in the above matter. By way of this letter and pursuant to Rule 263(b), SCACR, all Respondents jointly request a 30-day extension of time in which to file their Initial Briefs and Designation. They are currently due on May 30, 2019, making them due on July 1, 2019 if the requested extension is granted. Counsel for the Appellant has graciously consented to this request.

I am enclosing a check for the filing fee of \$50.00. Please note service on counsel of record by copy of this letter. In the meantime, we ask that the current filing deadline be stayed pending resolution of this request.

If you have any questions, please give me a call. Thank you for your assistance in this matter.

Sincerely yours,

HAYNSWORTH SINKLER BOYD, P.A.



Sarah P. Spruill

**RECEIVED**  
JUN 28 2019  
SC Court of App

SPS/jmb  
Enclosures

cc: Megan M. Early-Soppa  
Joseph M. McCulloch  
John Carrigg

APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

The Honorable Paul Burch, Circuit Court Judge

---

Case No. 2017-CP-04-05538  
Appellate Case No: 2018-002026

---

Latoria R. Cooks,

Appellant,

v.

Pearlz Vista, Inc., d/b/a Pearlz  
Oyster Bar, Carolina Ale  
House Operating Company  
LLC, d/b/a Carolina Ale House  
and Art Bar, Inc.

Respondents.

---

RESPONDENT ART BAR, INC.'S PROOF OF SERVICE

---

I certify that I have served the **RESPONDENTS' INITIAL BRIEF, DESIGNATION OF MATTERS, AND MOTION TO SERVE INITIAL BRIEF OUT OF TIME** by depositing one copy of it in the United States Mail, first-class mail, postage prepaid, on June 26, 2019, addressed to:

John Carrigg, Jr.  
120 North Lake Drive  
Lexington, South Carolina 29072

Roopal S. Ruparelia  
Keegan B. Miller  
Susan P. Spruill  
P.O. Box 11889  
Columbia, SC 29211

John P. Riordan  
Smith Moore Leatherwood  
2 West Washington Street, Ste. 1100  
Greenville, SC 29601

**RECEIVED**  
JUN 28 2019  
SC Court of Appeals



Joseph M. McCulloch (SC Bar #3760)

Kathy R. Schillaci (SC Bar # 17248)

McCulloch & Schillaci, Attorneys at Law

1116 Blanding Street, 1<sup>st</sup> Floor

PO Box 11623 (29211)

Columbia, South Carolina 29201

(803) 779-0005 (Phone)

(803) 779-0666 (Fax)

[joe@mccullochlaw.com](mailto:joe@mccullochlaw.com)

[kathy@mccullochlaw.com](mailto:kathy@mccullochlaw.com)

**MCCULLOCH & SCHILLACI**  
**ATTORNEYS AT LAW**

1116 BLANDING STREET  
P.O. Box 11623 (29211)  
COLUMBIA, SC 29201  
(803) 779-0005 • FAX (803) 779-0666

JOSEPH M. MCCULLOCH, JR.  
joe@mccullochlaw.com

KATHY SCHILLACI  
kathy@mccullochlaw.com

June 26, 2019

The Honorable Jenny A. Kitchings, Clerk of Court  
South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

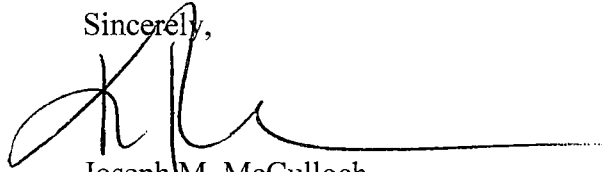
**RE: Latoria Cooks v. Pearlz Vista, Inc., d/b/a Pearlz Oyster Bar, et al**  
**Civil Action No.: 2017-CP-40-05538**  
**Appellate Case No.: 2018-002026**

Dear Ms. Kitchings:

This firm represents Respondent, Art Bar, Inc. in the above referenced matter. Please find enclosed for filing, the Initial Brief, Designation of Matters the original and six (6) copies of the Motion to Serve and File Respondent's Initial Brief Outside of Deadline, proof of service, and a check for the \$50.00 filing fee. By copy of this letter I am serving a copy upon all counsel of record.

Thank you for your attention to this matter. Should you have any questions, please do not hesitate to contact the office.

Sincerely,

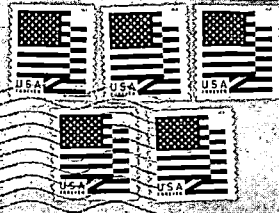


Joseph M. McCulloch

JMM/erg  
Enclosure(s)

cc: John Carrigg  
Sarah P. Spruill  
Roopal S. Ruparelia  
Keegan B. Miller  
John P. Riordan

**RECEIVED**  
JUN 28 2019  
SC Court of Appeals



Columbia P&DC 290  
THU 27 JUN 2019 PM

MCCULLOCH & SCHILLACI  
ATTORNEYS AT LAW  
1116 BLANDING STREET  
P.O. Box 11623 (29211)  
COLUMBIA, SC 29201

**RECEIVED**

JUN 28 2019  
SC Court of Appeals

The Honorable Jenny A. Kitchings, Clerk of Court  
South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211