

THE STATE OF SOUTH CAROLINA
In the Supreme Court

RECEIVED

JUL 31 2019

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

S.C. SUPREME COURT

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-Respondents,

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.

**CONSENT MOTION FOR AN EXTENSION OF TIME AND TO EXCEED PAGE
LIMITS AS TO RESPONDENTS-PETITIONERS' RETURN TO PETITIONERS-
RESPONDENTS' PETITION FOR CERTIORARI AND FOR AN EXTENSION OF
TIME AS TO PETITIONERS-RESPONDENTS' REPLY TO RESPONDENTS-
PETITIONERS' RETURN**

[COUNSEL INFORMATION ON NEXT PAGE]

Justin Lucey (Bar: 15438)
Josh Evans (Bar: 77448)
Dabny Lynn (Bar: 78703)
JUSTIN O'TOOLE LUCEY, PA
415 Mill Street
Mount Pleasant, SC 29464
(843) 849-8400
(843) 849-8406 (fax)
jlucey@lucey-law.com
jevans@lucey-law.com
dlynn@lucey-law.com
Attorneys for the Petitioners-Respondents

Shawn Willis (Bar: 71155)
NELSON MULLINS
Liberty Center
151 Meeting Street, Suite 600
Charleston, SC 29401
(843) 534-4230
(843) 722-8700 (fax)
shawn.willis@nelsonmullins.com
Attorney for I'On Assembly

Brian Duffy (Bar:16247)
Julie Moore (Bar: 78677)
DUFFY & YOUNG, LLC
96 Broad Street
Charleston, SC 29401
(843) 720-2044
(843) 720-2047 (fax)
bduffy@duffyandyoung.com
jmoore@duffyandyoung.com
Attorneys for Respondents-Petitioners

**CONSENT MOTION FOR AN EXTENSION OF TIME AND TO EXCEED PAGE
LIMITS AS TO RESPONDENTS-PETITIONERS' RETURN TO PETITIONERS-
RESPONDENTS' PETITION FOR CERTIORARI AND FOR AN EXTENSION OF
TIME AS TO PETITIONERS-RESPONDENTS' REPLY TO RESPONDENTS-
PETITIONERS' RETURN**

Pursuant to the South Carolina Appellate Court Rules ("SCACR"), Petitioners-Respondents, I'On Assembly, Inc., Brad J. Walbeck, and Lea Ann Adkins, individually and derivatively on behalf of I'On Assembly, Inc. and, Respondents-Petitioners, 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 (collectively "the Parties"), respectfully move for Order: (1) extending Respondents-Petitioners' time to serve and file their Return to Petitioners-Respondents' Petition for Writ of Certiorari ("Return") that is due on August 10, 2019 by twenty (20) days to August 30, 2019; (2) extending Petitioners-Respondents' time to serve and file their Reply to Respondents-Petitioners' Return ("Reply") that would be due on September 9, 2019 by ten (10) days to September 19, 2019; and, (3) allowing Respondents-Petitioners to collectively file one Joint Return in excess of twenty-five pages.

A. Motion for Extension of Time

The Parties jointly request that this Court provide Respondents-Petitioners a twenty (20) day extension to serve and file their Return because Respondents-Petitioners need additional time to address Petitioners-Respondents' 45-page Petition, this is Respondents-Petitioners' first extension request, and it does not exceed twenty (20) days. In turn, the Parties jointly request that this Court provide Petitioners-Respondents a ten (10) day extension to serve and file their Reply to Respondents-Petitioners' Return because they will need more time to address the 45-page Return proposed, especially with Labor Day falling within their Reply time-frame. Furthermore, in the past thirty (30) days, both Parties have been simultaneously working on their own Petitions,

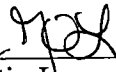
Returns and/or Replies. At the same time, lead and associate counsel at both Parties' firm have been out for vacation, maternity leave, family matters; and, counsel has had a full calendar of other client/court obligations. Due to these circumstances, the Parties respectfully ask this Court to grant Respondents-Petitioners a twenty (20) day extension until August 30, 2019 to serve and file their Return; and, grant Petitioners-Respondents a ten (10) day extension until September 19, 2019 to serve and file their Reply.

B. Motion to Exceed Page Limits

Respondents-Petitioners also request to exceed page limits because they do not believe that the 25 pages authorized for Returns under our Appellate Court Rules is enough for them to respond to Petitioners-Respondents' 45-page Petition. Respondents-Petitioners believe they should be afforded 45 pages to respond, especially since this Court provided Petitioners-Respondents a similar page length extension. Further, this is Respondents-Petitioners' first page limit extension request and Petitioners-Respondents consent to the same. Consequently, Respondents-Petitioners respectfully ask that this Court allow them to file a Return not in excess of forty-five (45) pages.

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

JUSTIN O'TOOLE LUCEY, P.A.

By: 
Justin Lucey (Bar: 15438)
Josh Evans (Bar: 77448)
Dabny Lynn (Bar: 78703)
415 Mill Street
Mount Pleasant, SC 29464
(843) 849-8400
(843) 849-8406 (fax)
jlucey@lucey-law.com
jevans@lucey-law.com
dlynn@lucey-law.com
Attorneys for the Petitioners-Respondents

July 30, 2019
Mount Pleasant, South Carolina

DUFFY & YOUNG, LLC

By: YD with express permission of J. Moore

Brian Duffy (Bar: 16247)

Julie Moore (Bar: 78677)

96 Broad Street

Charleston, SC 29401

(843) 720-2044

(843) 720-2047 (fax)

bduffy@duffyandyoung.com

jmoore@duffyandyoung.com

Attorneys for Respondents-Petitioners

July 30, 2019

Charleston, South Carolina

NELSON MULLINS

By: SW with express permission of S. Willis

Shawn Willis (Bar: 71155)

Liberty Center

151 Meeting Street, Suite 600

Charleston, SC 29401

(843) 534-4230

(843) 722-8700 (fax)

shawn.willis@nelsonmullins.com

Attorney for I'On Assembly

July 30, 2019

Charleston, South Carolina

JUSTIN O'TOOLE LUCEY, PA

Attorneys at Law

Justin Lucey
Joshua F. Evans
Stephanie D. Drawdy
Dabny Lynn
James L. Floyd, III

415 Mill Street, Mount Pleasant, SC 29464
Reply to: P.O. Box 806, Mount Pleasant, SC 29465
Phone: 843.849.8400 · Fax: 843.849.8406 · www.lucey-law.com

Anna S. McCann
Lauren M. Milton
Sohayla R. Townes
Collin H. Fuller

July 30, 2019

VIA OVERNIGHT DELIVERY

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

RECEIVED

JUL 31 2019

S.C. SUPREME COURT


Re: Brad Walbeck v. The I'On Company
Appellate Case No.: 2015-001590

Dear Mr. Shearouse:

Enclosed please find the original and seven (7) copies of the *Consent Motion for an Extension of Time and to Exceed Page Limits as to Respondents-Petitioners' Return to Petitioners-Respondents' Petition for Certiorari and for an Extension of Time as to Petitioners-Respondents' Reply to Respondents-Petitioners' Return* in the above-referenced matter. Also enclosed is a proof of service of this document upon counsel and a check in the amount of \$50.00 for filing this Motion. After file-stamping, please return the additional copy of the Motion via the self-addressed envelope included for your convenience.

Thank you for your time and attention to this matter. Please do not hesitate to contact us with any questions or concerns.

Sincerely,


Dabny Lynn

DL/dl

Enclosures

cc: Brian C. Duffy, Esquire
Julie L. Moore, Esquire
Shawn R. Willis, Esquire
Timothy W. Bouch, Esquire
Yancey A. McLeod, III, Esquire

THE STATE OF SOUTH CAROLINA
In the Supreme Court

RECEIVED

JUL 31 2019

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

S.C. SUPREME COURT

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-Respondents,

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.


PROOF OF SERVICE

I, Dabny Lynn, hereby certify that on July 30, 2019 I served a copy of the *Consent Motion for an Extension of Time and to Exceed Page Limits as to Respondents-Petitioners' Return to Petitioners-Respondents' Petition for Certiorari and for an Extension of Time as to Petitioners-Respondents' Reply to Respondents-Petitioners' Return* on the following counsel, via United States Mail, postage pre-paid, and addressed as follows:

Brian Duffy, Esq.
Julie Moore, Esq.
DUFFY & YOUNG, LLC
96 Broad Street
Charleston, SC 29401
Attorneys for Respondents-Petitioners

Shawn Willis, Esq.
NELSON MULLINS
Liberty Center
151 Meeting Street, Suite 600
Charleston, SC 29401
Attorneys for I'On Assembly, Inc.

Timothy W. Bouch, Esq.
Yancey A. McLeod, III, Esq.
Leath Bouch & Seekings
92 Broad Street
Charleston, SC 29401
Former Attorneys for I'On Assembly, Inc.

Signed: 

July 30, 2019
Mt. Pleasant, South Carolina