

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY  
Court of Common Pleas

The Honorable Mark J. Hayes, II, Circuit Court Judge

Circuit Court Case No. 2015-CP-07-02047

Appellate Case No. 2019-000200

**RECEIVED**

AUG 28 2019  
SC Court of Appeals

James R. Brady,

Respondent,

v.

Hilton Head Homes at Allenwood, LLC; Village  
Square Development Company, LLC; Lancaster  
Redevelopment Corp.; and Gary L. Grossman,

Appellants.


AFFIDAVIT OF RESPONDENT'S COUNSEL IN SUPPORT OF  
RETURN TO APPELLANTS' SECOND MOTION FOR EXTENSION TO  
FILE INITIAL BRIEF

1. I am counsel for Respondent in this matter and over 18 years of age.
2. The underlying litigation is a simple payment claim. Respondent filed the underlying litigation on June 5, 2009—more than ten years ago.
3. I first became involved with the underlying litigation in or around 2014, more than five years ago.
4. In the five years I have been involved with this litigation, many hearings, depositions, and trial dates have been scheduled. I do not recall a single time when one of these items were scheduled where Appellants did not request a continuance or extension.

5. In this appeal alone, the current motion is Appellants' third request for extension. The first was a request to order a transcript out of time and the second was a predecessor to the current motion for extension to file an initial brief. Appellants filed the Notice of Appeal on February 8, 2019. More than six and a half months have passed, and Appellants have not yet submitted an initial brief.

6. Upon information and belief, absent intervention by the Court, Appellants' requests for continuances and extensions will continue, regardless of whether a good faith reason for such continuances and extensions exists.

FURTHER AFFIANT SAYETH NOT.



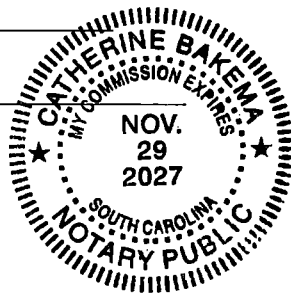
Charles W. Thomson, Esq.

SWORN TO AND SUBSCRIBED before  
me this 27 day of August, 2019.



Notary Public, State of SC

My Commission expires: \_\_\_\_\_



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Appellants.

PROOF OF SERVICE

I certify that I have served the **Respondent's Return to Appellants' Second Motion for Extension to File Initial Brief and Affidavit of Respondent's Counsel in Support of Return to Appellants' Second Motion for Extension to File Initial Brief** on the above-named Appellants by depositing a copy of it in the United States Mail, postage prepaid, on August 27, 2019, addressed to their attorney of record, G. Hamlin O'Kelley, III, 652 Coleman Blvd., Suite 200, Mt. Pleasant, SC 29464.

August 27, 2019



Charles W. Thomson, Esq.  
CAPELL THOMSON, LLC

The Blake-Grimké House  
321 East Bay St.

Charleston, SC 29401

(843) 501-0423

**Attorneys for Respondent**

**James R. Brady**

Charles W. Thomson | Charleston  
[CThomson@CapellThomson.com](mailto:CThomson@CapellThomson.com)

August 27, 2019

**Via FedEx Overnight**

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

Re: **Brady v. Hilton Head Homes at Allenwood, LLC, et al.**  
Appellate Case No. 2019-000200

Dear Ms. Kitchings:

Enclosed for filing in the above case are as follows:

- 1) An original and seven copies of the Respondent's Return to Appellants' Second Motion for Extension to File Initial Brief;
- 2) An original and seven copies of Affidavit of Respondent's Counsel in Support of Return to Appellants' Second Motion for Extension to File Initial Brief; and
- 3) An original and seven copies of the Proof of Service of the above.

Please file both and return one clocked copy of each to me in the self-addressed, stamped return envelope also enclosed. Thank you for your attention to this matter.

Sincerely yours,

**Capell Thomson, LLC**



Charles W. Thomson

Enclosures

CWT/cgb

cc: G. Hamlin O'Kelley, Counsel for Appellants

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SC Court of Appeals

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Aug 28 2019

SC Court of Appeals  
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