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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Edward W. Miller, Circuit Court Judge

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NOV 15 2019

Appellate Case No. 2019-001100
Case No. 2015-CP-10-0020

SC Court of Appeals

Steven M. Bernard and Deborah J. Bernard, On Behalf of
Themselves and all others Similarly Situated,

Appellants,

v.

3 Chisolm Street Homeowners, Association, Inc.,.....

Respondent.

**MOTION FOR EXTENSION OF TIME TO
FILE INITIAL BRIEF OF RESPONDENT**

The Respondent 3 Chisolm Street Homeowners, Association, Inc. respectfully
moves this Court for an additional seven-day extension of time until November 22,
2019, by which to file and serve its Initial Brief of Respondent and Designation of
Matter to be Included in the Record on Appeal.

The Respondent's motion is based on the following grounds:

1. The Respondent's Initial Brief is currently due to be filed and served on November 15, 2019.

2. The undersigned counsel for the Respondent fully intended to complete the preparation and drafting of the Initial Brief by the current deadline; however, because of other obligations and deadlines including depositions and mediation, the undersigned will need a brief additional extension to complete the drafting of the Initial Brief. That will also allow for adequate time for input from co-counsel.

3. Counsel for the Appellant has been consulted and has consented to the requested extension through November 22, 2019. (See attached email).

WHEREFORE, the Respondent 3 Chisolm Street Homeowners Association, Inc. respectfully requests that it be allowed until November 22, 2019, by which to file and serve its Initial Brief and Designation of Matter to be Included in the Record on Appeal.

LINDEMANN, DAVIS & HUGHES P.A.

BY: 

ANDREW F. LINDEMANN #13030
5 Calendar Court, Suite 202
Post Office Box 6923
Columbia, South Carolina 29260
(803) 881-8920

-and-

M. DAWES COOKE, JR. #1376
JEFFREY M. BOGDAN #76354
BARNWELL WHALEY
PATTERSON & HELMS, LLC
288 Meeting Street, Suite 200
Post Office Drawer H
Charleston, South Carolina 29402-0197
(843) 577-7700

*Counsel for Respondent 3 Chisolm Street
Homeowners, Association, Inc.*

November 15, 2019

Andrew Lindemann

From: Mike Ellis <mellis@qlawsc.com>
Sent: Friday, November 15, 2019 10:46 AM
To: Andrew Lindemann
Subject: RE: Bernard v. 3 Chisolm Street HOA

Andrew,

No problem. Appellant consents to your request for an extension to file your initial brief.

Respectfully,

Mike Ellis, Esquire

Query Sautter & Associates, LLC
147 Wappoo Creek Drive
Suite 202
Charleston, SC 29412
Telephone: (843) 795-9500
Facsimile: (843) 762-1500
mellis@qlawsc.com

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From: Andrew Lindemann [mailto:Andrew@LDH-Law.com]
Sent: Friday, November 15, 2019 8:22 AM
To: Mike Ellis
Subject: Bernard v. 3 Chisolm Street HOA

Mike:

I hope you are doing well. I have a favor to ask. My initial brief is due today. I am behind in my preparation because of being out of the office all week and some network issues I encountered last night. I would like to request an extension of an additional seven days from the Court of Appeals to get this brief filed. Would you kindly consent to a seven day extension? I will certainly accommodate any extensions you need for the reply brief. Please let me know as soon as possible. I'd like to get that motion filed this morning.

Thanks.

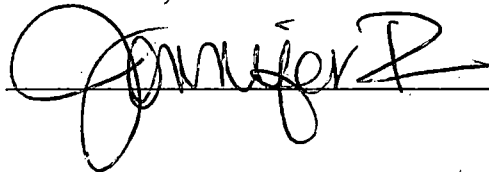
Andrew

CERTIFICATE OF SERVICE

The undersigned employee of Lindemann, Davis & Hughes, P.A., counsel for the Respondent, does hereby certify that service of the **Motion for Extension of Time to File Initial Brief of Respondent** was made upon all counsel of record by placing copies in the United States Mail, first class postage prepaid, at the below listed addresses clearly indicated on said envelopes this the 15th day of November 2019:

O. Grady Query, Esquire
Michael H. Ellis, Esquire
Query Sautter & Associates, LLC
147 Wappoo Creek Drive, Suite 202
Charleston, South Carolina 29412

M. Dawes Cooke, Jr., Esquire
Jeffrey M. Bogdan, Esquire
Barnwell Whaley Patterson & Helms, LLC
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Charleston, South Carolina 29402-0197



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SC Court of Appeals



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ANDREW F. LINDEMANN*
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JOEL S. HUGHES†
Direct Dial: (803) 881-8923
Email: joel@ldh-law.com

*Also Admitted in North Carolina
†Certified Mediator

November 15, 2019

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SC Court of Appeals

Of Counsel

STEVEN R. SPREEUWERS
Direct Dial: (803) 373-2268
Email: steve@ldh-law.com

Hand Delivered

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201

RE: Steven M. Bernard and Deborah J. Bernard, On Behalf of Themselves and all others
Similarly Situated v. 3 Chisolm Street Homeowners, Association, Inc.
Court of Appeals Case Number: 2019-001100
Civil Action Number: 2015-CP-10-0020
Claim Number: K087267
Our File Number: 79.20085

Dear Ms. Kitchings:

Please find enclosed the original and seven copies of the **Motion for Extension of Time to File Initial Brief of Respondent** in the above referenced matter. I would appreciate you filing the original and returning a clocked-in copy to me by way of my courier. I am also enclosing my firm's \$50.00 check for the filing fee. By copy of this letter, I am serving copies on all counsel of record.

If you have any questions, please advise.

Sincerely,

LINDEMANN, DAVIS & HUGHES, P.A.

Andrew F. Lindemann

AFL/jmb
Enclosures

The Honorable Jenny Abbott Kitchings
November 15, 2019
Page Two

cc: (w/ Enclosure)

O. Grady Query, Esquire
Michael H. Ellis, Esquire
Query Sautter & Associates, LLC
147 Wappoo Creek Drive, Suite 202
Charleston, South Carolina 29412

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