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THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

**RECEIVED**  
DEC 16 2019  
SC Court of Appeals

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APPEAL FROM HORRY COUNTY  
Court of Common Pleas

The Honorable Benjamin H. Culbertson, Circuit Court Judge

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Case No. 2019-001199

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Michelle M. Messer, Appellant,

v.

William J. Muse, Individually and as President of NEM, Inc.; NEM, Inc. d/b/a The Sandy Monkey; Sharon Cumbie; Kathryn Montorio; and Christopher B. Campbell, Defendants,

Of which William J. Muse, Individually and as President of NEM, Inc.; NEM, Inc. d/b/a The Sandy Monkey; Sharon Cumbie; and Kathryn Montorio are the Respondents

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**CONSENT MOTION FOR AN EXTENSION OF TIME TO FILE DESIGNATION OF  
MATTER FOR RECORD ON APPEAL AND INITIAL BRIEF**


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TO: MICHELLE M. MESSER, APPELLANT, AND HER ATTORNEY JUSTIN D. BICE,  
ESQUIRE:

The Respondent hereby moves the South Carolina Court of Appeals for an Order pursuant to SCACR 208(a) to extend the time within which the Respondent must file an Initial Brief and Designation of Matter to be Included in the Record on Appeal for thirty (30) days following the filing of the Appellant's Initial Brief and Designation of Matter to be Included in Record on Appeal, due to Respondent's attorneys' court schedule and trial commitments. The

new deadline would be January 26, 2020. Counsel for the Respondent has consulted with counsel for the Appellant who does not oppose and consents to this Motion.

Respectfully submitted,

By:   
\_\_\_\_\_  
JENNY DRAFFIN SMITH  
SC BAR NO: 76129  
J. BOONE AIKEN, III  
SC Bar No.: 307  
Aiken, Bridges, Elliott, Tyler & Saleeby, P.A.  
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**ATTORNEYS FOR THE RESPONDENTS  
WILLIAM J. MUSE, INDIVIDUALLY AND AS  
PRESIDENT OF NEM, INC.; NEM, INC. D/B/A  
THE SANDY MONKEY; SHARON CUMBIE;  
AND KATHRYN MONTORIO**

Florence, South Carolina  
December 12, 2019

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM HORRY COUNTY  
Court of Common Pleas

The Honorable Benjamin H. Culbertson, Circuit Court Judge

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Case No. 2019-001199

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Michelle M. Messer, Appellant,

v.

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Of which William J. Muse, Individually and as President of NEM, Inc.; NEM, Inc. d/b/a The Sandy Monkey; Sharon Cumbie; and Kathryn Montorio are the Respondents

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**PROOF OF SERVICE**

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I certify that I have served the Respondent's Consent Motion for an Extension of Time to File Designation of Matter for Record on Appeal and Initial Brief by depositing a copy of it in the United States Mail, postage prepaid, on December 12, 2019, addressed to her attorney of record, Justin D. Bice, 406 Tom Hall Street, Fort Mill, South Carolina 29715.

By:



JENNY DRAFFIN SMITH

SC BAR NO: 76129

J. BOONE AIKEN, III

SC Bar No.: 307

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PRESIDENT OF NEM, INC.; NEM, INC. D/B/A  
THE SANDY MONKEY; SHARON CUMBIE;  
AND KATHRYN MONTORIO**

Florence, South Carolina  
December 12, 2019

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Alvin A. Coleman (1930-1995)

December 12, 2019

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SC Court of Appeals

•Certified Mediator/Arbitrator  
+Also Admitted District of Columbia

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

Re: Michelle M. Messer, Appellant v. William J. Muse, Individually and as  
President of NEM, Inc.; NEM, Inc. d/b/a The Sandy Monkey; Sharon Crumbie;  
and Kathryn Montorio, Respondents.  
Appellate Case No.: 2019-001-199  
Our File No.: 33152

Dear Ms. Kitchings:

Enclosed with this letter please find the original and six (6) copies of the Consent Motion for an Extension of Time to File Designation of Matter for Record on Appeal and Initial Brief of the Respondent in the above-referenced matter. Please file the same with your Court.

We are also enclosing the original Certificate of Counsel and original Proof of Service indicating service by mail this day of service upon the Appellant's counsel.

Thank you for your assistance in this matter. Should you have any questions or comments regarding any of the above, please do not hesitate to call.

With kind regards, I remain

Sincerely,



JENNY DRAFFIN SMITH

JDS/lhn  
Enclosure

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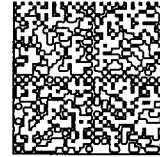
December 12, 2019


Page 2

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Cc:

Justin D. Bice  
406 Tom Hall Street  
Fort Mill, SC 29715



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**To:**

**DEC 16 2019**

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

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