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**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

**APPEAL FROM GREENVILLE COUNTY
Master in Equity**

The Honorable Charles B. Simmons, Master in Equity

RECEIVED

APR 06 2020

SC Court of Appeals

Appellate Case No. 2020-000490

Independence National Bank.....Respondent,

v.

Buncombe Professional Park, LLC and David Decarlis s/a David D. Decarlis,

Of Whom David Decarlis is the.....Appellant.

**MOTION FOR CONSOLIDATION AND EXTENSION OF TIME TO FILE INITIAL
RESPONSE BRIEF**

Respondent, Independence National Bank, by and through their undersigned counsel, respectfully move this Court pursuant to Rule 214 of the South Carolina Appellate Court Rules, for an Order consolidating this action with a related appeal bearing Appellate Case No. 2019-002047 and styled identically to this matter, as well as granting all Parties an extension of thirty (30) days to file any briefs which may be presently due until such time this Court rules upon the proposed consolidation and establishes a new briefing schedule. In support of this motion, Respondent states and respectfully shows the following:

1. An appeal was filed on or about December 5, 2019 with a Notice of Appeal stating it seeks to appeal Orders dated December 5, 2019 and November 12, 2019.
2. This appeal was filed by the Appellant arising from the same underlying matter by

the filing of a Notice of Appeal on or about March 16, 2020 which states that it seeks appeal of a February 13, 2020 Order.

3. Both appeals relate to Orders arising from the same underlying matter, involve the same parties, and contain related and/or overlapping issues of fact and law.

4. Therefore, the Parties believe it serves judicial economy to consolidate these two matters as allowed under Rule 214 of the South Carolina Appellate Court Rules.

5. Further, given that this consolidation request, if granted, will require a new briefing schedule to be established, the Respondent, with the knowledge and consent of the Appellant, requests that all outstanding briefing deadlines, including the Initial Brief in 2020-000490 and the Respondent's Brief in 2019-002047, be extended thirty (30) days so as to afford the Court adequate time to rule on this Motion and the parties to prepare such briefs.

Counsel for the Parties have consulted, and the Appellant consents to this Motion and the relief sought by it.

(signature page to follow)

Respectfully Submitted,

SMITH HUDSON LAW, LLC

s/ Joseph O. Smith

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*Attorneys for Respondent
Independence National Bank*

April 3, 2020

Greenville, South Carolina

Other Counsel of Record:

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Attorneys for Appellant, David Decarlis

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SC Court of Appeals

Appellate Case No. 2020-000490

Independence National Bank.....Respondent,

v.

Buncombe Professional Park, LLC and
David Decarlis s/a David D. Decarlis,
Defendants,

Of whom, David Decarlis is theAppellant.

PROOF OF SERVICE

I certify that I have served the Respondent's Motion for Consolidation and Extension of Time to File Initial Response Brief on the above-named Appellant via electronic means per the Court's March 20, 2020 Order, on April 3, 2020, to counsel of record as follows.

Shawn M. French, Esq.
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Mt. Pleasant, SC 29464
shawn@thefrenchlawfirm.com
Attorney for Appellants

(Signature page to follow)

SMITH HUDSON LAW, LLC

s/ Joseph O. Smith

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Attorneys for Respondent

April 3, 2020

Greenville, South Carolina



SMITH HUDSON

LAW

April 3, 2020

VIA USPS

Honorable Jenny Abbott Kitchings
Clerk of Court
S.C. Court of Appeals
1220 Senate Street
Columbia, SC 29201

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SC Court of Appeals

Re: Independence National Bank v. Buncombe Professional Park, LLC and David Decarlis s/a David D. Decarlis, Defendants
Appellate Case No. 2020-000490
SHL No. 2707.0002

Dear Madam Clerk:

Enclosed please find the original and one copy of Respondent's Motion for Consolidation and Extension of Time to File Initial Response Brief, along with the Proof of Service and filing fee in the above-referenced appeal. The Proof of Service verifies that the Motion for Consolidation and Extension of Time was emailed to counsel for Appellants on the date of this letter.

Please file and return a clocked copy to me in the enclosed self-addressed, stamped envelope provided herein.

With highest regards, I am

Sincerely,

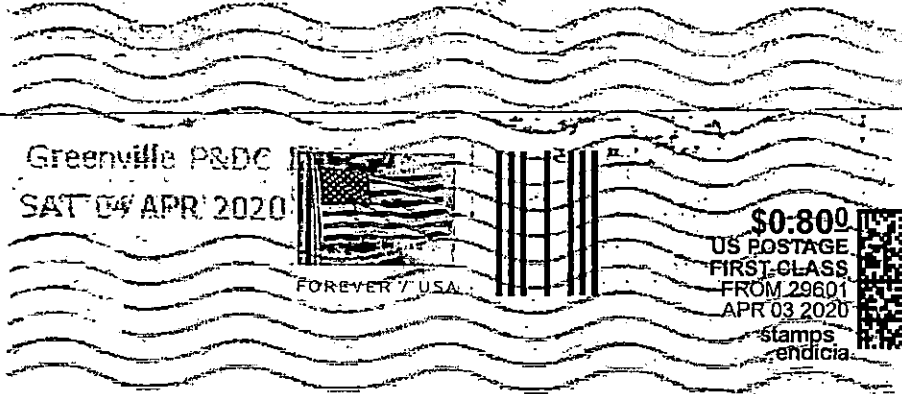
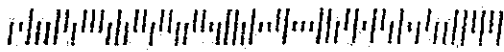
SMITH HUDSON LAW, LLC

Joseph O. Smith

JOS/ads

Enclosures (*as stated*)

CC: Shawn M. French, Esq.
Aaron Angell, Esq.



Greenville P&DC

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Greenville, SC 29601



**Honorable Jenny Abbott Kitchings
Clerk of Court
S.C. Court of Appeals
1220 Senate Street
Columbia SC 29201-3769**

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