

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

RECEIVED

Apr 21 2020

APPEAL FROM RICHLAND COUNTY

SC Court of Appeals

The Honorable Robert E. Hood, Circuit Court Judge

Case No. 2018-CP-40-01318
Appellate Case No. 2019-001811

Best Choice Roofing & Home Improvement, Inc. Appellant,

v.

Tyler Woods. Respondent.

**RESPONDENT’S FIRST CONSENT MOTION FOR EXTENSION OF TIME TO FILE
RESPONDENT’S BRIEF AND DESIGNATION OF MATTER ON APPEAL**

COME NOW Respondent Tyler Woods, by and through his undersigned counsel, and hereby moves this Court for an extension of time within which to file his Initial Brief and Designation of Matter on Appeal in the above-captioned matter. This deadline has not been extended previously. Respondent’s Initial Brief is currently due on Wednesday, April 22, 2020. Respondent hereby requests a 30-day extension, up to and including May 22, 2020.

This motion is made pursuant to Rules 240 and 263 of the South Carolina Rules of Appellate Procedure. In support of this motion, Respondent would make the following showing:

1. Counsel for the Respondent has been conscientious in their efforts to prepare the Respondent's Initial Brief and Designation of Matter on Appeal, however the current pandemic and transfer of office operations to work-from-home have interfered significantly with the amount of time available to prepare these filings.
2. Counsel for the Respondent has consulted with Counsel for Appellant, and Counsel for Appellant has consented to the above-described extension of time for Respondent to file its Initial Brief and Designation of Matter on Appeal. (See Exhibit A.)

Respondent now respectfully moves this Court to grant its motion for an extension of time to file his Initial Brief and Designation of Matter on Appeal and respectfully asks that the deadline be moved to May 22, 2020.

Respectfully submitted,

s/ Sarah J.M. Cox

Nekki Shutt (SC Bar No. 8784)
Sarah J.M. Cox (SC Bar No. 108314)
BURNETTE SHUTT & McDANIEL, PA
912 Lady Street, Second Floor (29201)
PO Box 1929
Columbia, South Carolina 29202
Tel. (803) 904-7912
Fax (803) 904-7910
NShutt@BurnetteShutt.Law
SCox@BurnetteShutt.Law

ATTORNEYS FOR RESPONDENT

Columbia, South Carolina

April 21, 2020

EXHIBIT A

Sarah J. M. Cox

From: Townes Johnson <tjohnson@sc.legal>
Sent: Monday, April 20, 2020 4:05 PM
To: Sarah J. M. Cox
Cc: Nekki Shutt, Esq.; Traci B. Wolfe, PP
Subject: [EXT]Re: [EXT]Re: Best Choice Roofing v. Tyler Woods Appeal 2019-001811

Sure. However long you think you need is OK.

Townes

Townes B. Johnson III

 **TOWNES B. JOHNSON III, LLC**
ATTORNEY AT LAW
(O) [864-757-4899](tel:864-757-4899) | (C) [864-325-2528](tel:864-325-2528) | (E) tjohnson@sc.legal
Mailing: PO Box 9246 | Greenville, SC 29604
Physical: [Bank of America Building, Suite 302](#)
[Website](#) | [Blog](#) | [vCard](#)

PRIVILEGED AND CONFIDENTIAL: This electronic message (including any attachments) is intended only for the use of the individual or entity to which it is addressed and may contain information that is attorney-client privileged, may be confidential work product, or may be exempt from disclosure under applicable law. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is wrongful, is strictly prohibited, and may subject you to civil liability. If you have received this communication in error, please immediately notify us by telephone at [864-757-4899](tel:864-757-4899) or by return e-mail, and destroy any copies (electronic, paper, or otherwise) that you may have of this communication.

DEBT COLLECTOR: This firm collects debts for mortgage lenders and other creditors. Any information obtained will be used for that purpose. However, if you have previously received a discharge in bankruptcy, this message is not and should not be construed as an attempt to collect a debt, but only as an attempt to enforce a lien.

IRS CIRCULAR 230 NOTICE: Any statements regarding tax matters made herein, including any attachments, are not formal tax opinions by this firm, cannot be relied upon or used by any person to avoid tax penalties, and are not intended to be used or referred to in any marketing or promotional materials. Moreover, any tax advice contained in this e-mail or any attachment hereto is not intended to be used, and cannot be used, to avoid penalties posed under the Internal Revenue Code.

On Mon, Apr 20, 2020 at 4:03 PM Sarah J. M. Cox <SCox@burnetteshutt.law> wrote:

Townes,

I heard back from the Court of Appeals and they are requesting a Motion for Extension of Time. In drafting the Motion, I realized that a 10-day extension would put our deadline on a Saturday. Would you consent to a 2-week extension to streamline things? That would result in our Initial Brief being due on May 6, 2020. Thank you!

Sarah Cox



BURNETTE SHUTT MCDANIEL

Moving law forward.

Sarah J. M. Cox Attorney

912 LADY STREET | 2ND FLOOR

PO BOX 1929 | COLUMBIA, SC 29202

D: 803.904.7930 | O: 803.850.0912 | F: 803.904.7910

BURNETTESHUTT.LAW



CONFIDENTIAL COMMUNICATION: The information contained in this message may contain legally privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or duplication of this transmission is strictly prohibited. If you have received this communication in error, please notify us by telephone or email immediately and return the original message to us or destroy all printed and electronic copies. Nothing in this transmission is intended to be an electronic signature nor to constitute an agreement of any kind under applicable law unless otherwise expressly indicated. Intentional interception or dissemination of electronic mail not belonging to you may violate federal or state law.

IRS CIRCULAR 230 NOTICE: Any federal tax advice contained in this communication (or in any attachment) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending any transaction or matter addressed in this communication.

From: Townes Johnson <tjohnson@sc.legal>

Sent: Friday, April 17, 2020 12:24 PM

To: Sarah J. M. Cox <SCox@burnetteshutt.law>

Cc: Nekki Shutt, Esq. <nshutt@burnetteshutt.law>; Traci B. Wolfe, PP <TWolfe@BurnetteShutt.Law>

Subject: [EXT]Re: Best Choice Roofing v. Tyler Woods Appeal 2019-001811

Of course - take as much time as you need.

Stay well!

Townes

Townes B. Johnson III

 **TOWNES B. JOHNSON III, LLC**
ATTORNEY AT LAW
(O) [864-757-4899](tel:864-757-4899) | (C) [864-325-2528](tel:864-325-2528) | (E) tjohnson@sc.legal
Mailing: PO Box 9246 | Greenville, SC 29604
Physical: [Bank of America Building, Suite 302](#)
[Website](#) | [Blog](#) | [vCard](#)

PRIVILEGED AND CONFIDENTIAL: This electronic message (including any attachments) is intended only for the use of the individual or entity to which it is addressed and may contain information that is attorney-client privileged, may be confidential work product, or may be exempt from disclosure under applicable law. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is wrongful, is strictly prohibited, and may subject you to civil liability. If you have received this communication in error, please immediately notify us by telephone at [864-757-4899](tel:864-757-4899) or by return e-mail, and destroy any copies (electronic, paper, or otherwise) that you may have of this communication.

DEBT COLLECTOR: This firm collects debts for mortgage lenders and other creditors. Any information obtained will be used for that purpose. However, if you have previously received a discharge in bankruptcy, this message is not and should not be construed as an attempt to collect a debt, but only as an attempt to enforce a lien.

IRS CIRCULAR 230 NOTICE: Any statements regarding tax matters made herein, including any attachments, are not formal tax opinions by this firm, cannot be relied upon or used by any person to avoid tax penalties, and are not intended to be used or referred to in any marketing or promotional materials. Moreover, any tax advice contained in this e-mail or any attachment hereto is not intended to be used, and cannot be used, to avoid penalties posed under the Internal Revenue Code.

On Fri, Apr 17, 2020 at 11:52 AM Sarah J. M. Cox <SCox@burnetteshutt.law> wrote:

Townes,

I hope that you are well. By our calculation, our Respondent's Brief is due next week, on April 22, 2020. Under the circumstances, we would like an extension to respond. It appears that per the most recent guidance from the Supreme Court, that we will not need to request permission from the Court for an extension, but I have left a message for the clerk to double-check. Either way, I would appreciate your consent for a 10 day extension to respond. Would you be willing to grant us a 10 day extension to file our Brief? Thank you very much.

Sarah Cox



**BURNETTE
SHUTT MCDANIEL**
Moving law forward.

Sarah J. M. Cox Attorney
912 LADY STREET | 2ND FLOOR

PO BOX 1929 | COLUMBIA, SC 29202
D: 803.904.7930 | O: 803.850.0912 | F: 803.904.7910

BURNETTESHUTT.LAW



CONFIDENTIAL COMMUNICATION: The information contained in this message may contain legally privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or duplication of this transmission is strictly prohibited. If you have received this communication in error, please notify us by telephone or email immediately and return the original message to us or destroy all printed and electronic copies. Nothing in this transmission is intended to be an electronic signature nor to constitute an agreement of any kind under applicable law unless otherwise expressly indicated. Intentional interception or dissemination of electronic mail not belonging to you may violate federal or state law.

IRS CIRCULAR 230 NOTICE: Any federal tax advice contained in this communication (or in any attachment) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending any transaction or matter addressed in this communication.

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

RECEIVED
Apr 21 2020
SC Court of Appeals

APPEAL FROM RICHLAND COUNTY
The Honorable Robert E. Hood, Circuit Court Judge

Case No. 2018-CP-40-01318
Appellate Case No. 2019-001811

Best Choice Roofing & Home Improvement, Inc. Appellant,

v.

Tyler Woods. Respondent.

PROOF OF SERVICE

The undersigned hereby certifies that a true copy of Respondent's First Consent Motion for Extension of Time to File Respondent's Brief and Designation of Matter on appeal in the above reference matter has been served on all parties of record by emailing a copy of same to Counsel for Appellant this 21st day of April 2020, addressed to the following:

Townes B. Johnson III., Esq
tjohnson@sc.legal
TOWNES B. JOHNSON III, LLC
PO Box 9246
Greenville, SC 29604
Attorney for Appellant

s/ Sarah J.M. Cox

Nekki Shutt (SC Bar No. 8784)

Sarah J.M. Cox (SC Bar No. 108314)

BURNETTE SHUTT & McDANIEL, PA

912 Lady Street, Second Floor (29201)

PO Box 1929

Columbia, South Carolina 29202

Tel. (803) 904-7912

Fax (803) 904-7910

NShutt@BurnetteShutt.Law

SCox@BurnetteShutt.Law

ATTORNEYS FOR RESPONDENT

Columbia, South Carolina

April 21, 2020