

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BERKELEY COUNTY
Court of Common Pleas

Roger M. Young, Sr., Circuit Court Judge

Case No. 2014-CP-08-02757

Portrait Homes – South
Carolina, LLC; Portrait
Homes – Persimmon Hill,
LLC; and The Persimmon Hill
Homeowners Association,
Inc.,

Respondents,

v.

Pennsylvania National Mutual
Casualty Insurance Company,

Appellant.

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Jun 02 2020

SC Court of Appeals

MOTION TO EXTEND TIME TO FILE APPELLANT BRIEF

Pennsylvania National Mutual Casualty Insurance Company, by and through counsel, and pursuant to South Carolina Rule of Appellate Procedure, Rule 208(a)(1) and Rule 240, moves the Court for permission to extend time to file the Appellant Brief and shows the Court as follows:

1. Pennsylvania National Mutual Casualty Insurance Company (“Penn National”) filed a Notice of Appeal on April 22, 2020 appealing from a Judgment that was entered on behalf of two separate parties, the Persimmon Hill HOA and Portrait Homes-South Carolina, LLC and Portrait Homes—Persimmon Hill, LLC (collectively “Portrait Homes”).

2. The Supreme Court of South Carolina enter an Order dated 20 March 2020 regarding the Operation of the Appellate Courts During the Coronavirus Emergency and amended on 29 May 2020 providing for an automatic extension of time of twenty (20) days for filing and serving the Appellant Brief.

3. While a single final judgment was ultimately entered by the Trial Court in this matter, the claims asserted by the Persimmon Hill HOA and Portrait Homes against Penn National involved different operative facts and legal arguments resulting in essentially two separate judgments entered against Penn National in this lawsuit. Penn National has contemporaneously filed with this request a motion to extend the page limitations for the Appellant Brief needed to address the issues raised on appeal.

4. Given the number of issues to be addressed on appeal and the difficulties facing counsel while working in a remote environment, Penn National respectfully requests an addition thirty (30) days in which to file its Appellant Brief through July 11, 2020.

5. Counsel for Penn National has conferred with all counsel of record on this matter who do not oppose this request for additional time.

June 1, 2020.

/s/ John I. Malone, Jr.

John I. Malone, Jr.

S.C. State Bar No. 101962

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Association, Inc.*

June 1, 2020

VIA EMAIL & FEDEX DELIVERY**Tracking No: 7705 9780 0060**

Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201
Email: ctappsilings@sccourts.org

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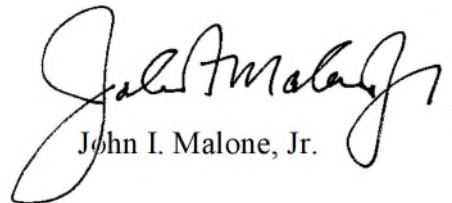
Re: *Portrait Homes- South Carolina, LLC et al. v. Pennsylvania National Mutual Casualty Insurance Company, et al.,*
Appeal from Berkeley County Case No. 2014-CP-08-02757

Dear Ms. Kitchings:

I am enclosing an original and six (6) copies of Pennsylvania National Mutual Casualty Insurance Company's Motion to Extend Time to File Appellant Brief and Pennsylvania National Mutual Casualty Insurance Company's Motion to Exceed Page Limitation for Appellate Brief for filing in the above-referenced matter. I am also enclosing our Firm check in the amount of \$100.00.

Please let me know if you have any questions.

Very truly yours,

GOLDBERG SEGALLA, LLP
John I. Malone, Jr.

JIM/drs

Enclosures

cc: Stanley C. Rodgers, Esq. (*w/encls via Email & First Class mail*)
John T. Chakeris, Esq. (*w/encls via Email & First Class mail*)
Phillip W. Segui, Jr., Esq. (*w/encls via Email & First Class mail*)

Please send mail to our scanning center at: P.O. Box 727, Buffalo, NY 14201