

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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SC Court of Appeals

MOTION TO EXCEED PAGE LIMITATION FOR APPELLANT BRIEF

Pennsylvania National Mutual Casualty Insurance Company, by and through counsel, and pursuant to South Carolina Rule of Appellate Procedure, Rule 208(b)(5), moves the Court for permission to exceed the fifty (50) page limitation for principal briefs and twenty-five (25) pages for reply briefs and shows the Court as follows:

1. Pennsylvania National Mutual Casualty Insurance Company (“Penn National”) has appealed 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. While a single final judgment was ultimately entered by the Trial Court, 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.

3. Penn National’s ability to address the factual and legal errors attendant with each of the legally distinct judgments entered against it in this lawsuit from which the appeal was taken cannot be sufficiently addressed within the page limitations afforded to an Appellant addressing an appeal taken from a singular judgment.

4. Penn National respectfully requests that the Court allow Penn National to exceed the page length set forth in Rule 208(b)(5) and allow for a Principal Brief page limitation of eighty (80) pages to more fully address the legal arguments that it intends to offer in support of its appeal to the South Carolina Court of Appeals.

5. Penn National respectfully requests that the Court allow Penn National to exceed the page length set forth in Rule 208(b)(5) and allow for Reply Brief page limitation of thirty-five (35) pages to more fully address any appropriate legal arguments that it intends to offer in its support of its appeal to the South Carolina Court of Appeals.

6. Counsel for Penn National has conferred with counsel of record for Portrait Homes who does not oppose this request for extending the page limitations for the Briefs.

7. Counsel for Penn National has conferred with counsel of record for the Persimmon Hill HOA who has advised that they take no position on this request for extending the page limitations for the Briefs.

June 1, 2020

/s/ John I. Malone, Jr.

John I. Malone, Jr.

S.C. State Bar No. 101962

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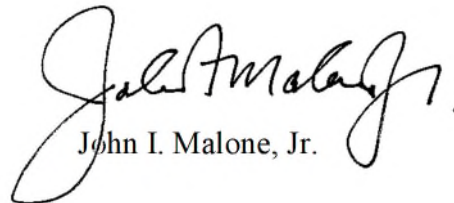
Re: *Portrait Homes- South Carolina, LLC et al. v. Pennsylvania National Mutual Casualty Insurance Company, et al.,*
Appeal from Berkeley County Case No. 2014-CP-08-02757

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