

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.
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Respondent JUN 02 2020
SC Court of Appeals

v.

Pennsylvania National Mutual
Casualty Insurance Company,

Appellant.

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.
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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

RECEIVED
JUN 02 2020
SC Court of Appeals

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

