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Jul 28 2020

STATE OF SOUTH CAROLINA  
In the Supreme Court

S.C. SUPREME COURT

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APPEAL FROM CHARLESTON COUNTY  
MIKELL ROSS SCARBOROUGH, PRESIDING MASTER-IN-EQUITY

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Emory J. Infinger and Assoc. v. N. Charleston Com. Ctr.  
Appellate Case No. 2020-000732

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Emory J. Infinger and Associates Construction Company, Inc.,.....Respondent,

v.

North Charleston Community Interfaith Shelter, Inc., Bobby Knight, in his official capacity as Chairman and President of Board for The Good Neighbor Center, Bank of America, N.A., S.C.S State Housing and Development Authority, Atlantic Construction Services, Inc., L & W Corporation d/b/a CK Supply, Now Mechanical, Inc. Wilson and Associates Electrical Contractor, Inc., Defendants,

Of whom North Charleston Community Interfaith Shelter, Inc., is the.....Appellant.

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EMORY J. INFINGER AND ASSOCIATES CONSTRUCTION COMPANY, INC.'S  
MOTION FOR EXTENSION OF TIME TO FILE RETURN TO PETITION

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Theodore L. Manos (S.C. Bar No.: 8660)  
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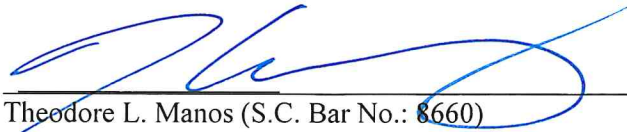
Respondent Emory J. Infinger and Associates Construction Company, Inc. (“Infinger”) hereby moves, pursuant to Rule 240, SCACR for an order granting an additional thirty-day (30) day extension of time to file its Return to the Petition. Appellant’s Petition was initially filed on April 30, 2020 and received by Respondent on May 8, 2020 making Respondent’s Return to Petition due on June 8, 2020 pursuant to Rule 242, SCACR. The Court previously granted an extension for Respondent to Answer until July 30, 2020 in order for the Parties to consummate a settlement. The Parties have reached a settlement, exchanged a Final Settlement Agreement and Release and are awaiting final execution by Appellant’s Board Members to finalize the settlement. In the interim, Appellant’s counsel and one of Appellant’s necessary signatories to the Settlement Agreement have contracted medical conditions that are preventing final consummation of the Settlement Agreement by July 30, 2020.

The grounds for this Motion are that the parties have agreed to settle the dispute but such settlement can’t be consummated due to medical conditions of the Appellant, and that settlement will require an additional thirty (30) days to be consummated which would necessarily occur after the current deadline for Respondent to file its Return to the Petition on July 30, 2020. Upon consummation, the Petition will be dismissed by agreement between the parties pursuant to Rule 260 (b), SCACR.

The undersigned counsel has consulted with J. Seth Whipper, Esquire, counsel for Appellant, and he joins in the Respondent’s Motion. The current deadline for the filing of Infinger’s Return is July 30, 2020. If Infinger’s request is granted, its new deadline will be August 30, 2020.

*[Signature block on following page]*

Respectfully,



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**Attorney for Respondent Emory J. Infinger and Associates  
Construction Company, Inc.**

July 28, 2020

Charleston, South Carolina