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Aug 14 2020

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

The Honorable Marvin H. Dukes, III
Beaufort County
Trial Court Case No. 2016-CP-07-02712

APPELLATE CASE NO. 2020-000617

Beachwalk Hotel & Condominium Association, Inc.
and Beachwalk Hilton Head, LLC

Appellants,

vs.

The Town of Hilton Head Island and/or The Town
of Hilton Head Island Board of Zoning Appeals and
SDC Properties, Inc.,

Respondents.

MOTION FOR EXTENSION

Pursuant to Rule 240, SCACR, Appellants request a five-day extension of the deadline for filing and serving their Initial Brief and Designation of Matter to be Included in the Record on Appeal in this case. The current deadline is August 14, 2020. The requested extended deadline would be August 19, 2020.

The extraordinary circumstance necessitating this extension is that in preparing the Designation of Matter, counsel for Appellants discovered that the Record on Appeal from the Board of Zoning Appeals had to be specially requested from the Beaufort County

Clerk of Court. That request was made on July 31, 2020, but the Record on Appeal from the Board of Zoning Appeals was not received by counsel for Appellants until August 10, 2020, which was only 4 days before the most recent briefing deadline. The Record on Appeal from the Board of Zoning Appeals to the Circuit Court is over 1,000 pages, and counsel for Appellants has had insufficient time for its review and incorporation into the Brief of Appellants. An additional five days (counting Saturday and Sunday) will provide sufficient time for this review.

This is the third request for an extension of this deadline, but the total time requested from the original deadline of July 1, 2020, is 49 days. Therefore, granting this request would not result in an unreasonable delay of briefing in this appeal. Counsel for SDC Properties, Inc. does not object to this motion. Counsel for the Town of Hilton Head Island had not responded regarding any objection as of the time of filing this motion.

s/Kathleen McDaniel

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**ATTORNEY FOR APPELLANTS
BEACHWALK HOTEL & CONDOMINIUM
ASSOCIATION, INC.
AND BEACHWALK HILTON HEAD, LLC**

Columbia, South Carolina

August 14, 2020

THE STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

APPEAL FROM THE COURT OF COMMON PLEAS
FOURTEENTH JUDICIAL CIRCUIT
THE HONORABLE MARVIN H. DUKES III

CIVIL ACTION NUMBER: 2016-CP-07-02712

Beachwalk Hotel & Condominium Association, Inc.
and Beachwalk Hilton Head, LLC

Appellants,

vs.

The Town of Hilton Head Island and/or The Town
of Hilton Head Island Board of Zoning Appeals and
SDC Properties, Inc.,

Respondents.

PROOF OF SERVICE

I hereby certify that this law firm represents the Appellants in the above-captioned matter and that on the date below, in Columbia, South Carolina, I served a copy of the forgoing on the following persons via electronic mail to their AIS E-mail address:

Documents Served: **APPELLANT BEACHWALK HOTEL & CONDOMINIUM
ASSOCIATION, INC. AND BEACHWALK HILTON HEAD,
LLC'S MOTION FOR EXTENSION**

Parties Served:

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**ATTORNEYS FOR TOWN OF HILTON HEAD ISLAND AND/OR
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ATTORNEY FOR SDC PROPERTIES, INC.

s/Amy L. Abercrombie
Amy L. Abercrombie, Paralegal
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Columbia, South Carolina

August 14, 2020

Amy L. Abercrombie

From: Amy L. Abercrombie
Sent: Friday, August 14, 2020 3:21 PM
To: hulbertbk@hargray.com; gregg@alfordlawsc.com; barry@jd-pa.com; harrison@jd-pa.com; lamar@jd-pa.com
Cc: Kathleen M. McDaniel
Subject: Beachwalk Hotel & Condominium Association, et al. v. The Town of Hilton Head Island Board of Zoning Appeals, et al.
Attachments: FINAL Motion for 5 day Extension to File Initial Brief.pdf

Dear Counsel,

Please find attached an electronic copy of a Motion for Extension in the matter of Beachwalk v. Hilton Head and SDC Properties matter. We are serving this Motion for Extension upon you via email in compliance with the procedure set forth in the Supreme Court's Order dated March 20, 2020, Re: Operation of the Appellate Courts During the Coronavirus Emergency, which provides, pursuant to Section (g)(3): "this Court authorizes a lawyer admitted to practice law in this state to serve a document on another lawyer admitted to practice law in this state using the lawyer's primary e-mail address listed in the Attorney Information System (AIS)." We have confirmed in AIS your emails to which we are serving this Motion for Extension.

Kind regards,
Amy Abercrombie