

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Jennifer B. McCoy, Circuit Court Judge

Case No. 2017-CP-10-00838
Appellate Case No. 2020-001210

RECEIVED

Sep 29 2020

SC Court of Appeals

Jacque Lucas, Shirley Ann Lucas,
and Daniel Simerly,

Appellants,

v.

KapStone Paper and Packaging
Corporation, KapStone Kraft Paper
Corporation, Safway Group
Holdings, LLC, Easy Way Insulation
Co., Sypris Technologies, Inc. f/k/a
Tube-Turns Technologies Inc.,
Thompson Construction Group, Inc.,
and Thompson Industrial Services,
LLC, Defendants,

Defendants,

Of which

KapStone Paper and Packaging
Corporation and KapStone Kraft
Paper Corporation are

Respondents.

**APPELLANTS' MOTION REQUESTING
EXTENSION OF TIME TO FILE INITIAL BRIEF
AND DESIGNATION OF MATTER**

Appellants seek an Order of this Court, pursuant to Rule 240, SCACR, extending the time to file its Initial Brief and Designation of Matter in the above-captioned appeal. Appellants' Initial Brief and Designation of Matter is currently due to be filed on October 5, 2020. The ground for this Motion is that Appellants have engaged appellate counsel for this appeal (motions for admission *pro hac vice* in progress), and lead appellate counsel, Russell S. Post, has been and continues to be engaged in other litigation with imminent deadlines that will prevent him from completing the brief before the present deadline, including, but not limited to, the following:

- Preparation for and presentation of oral argument in No. 18-0309; *Berkel & Company Contractors, Inc. v. Tyler Lee*; In the Texas Supreme Court. Oral argument was heard on September 15, 2020.
- Preparation for and presentation of oral argument in No. 04-18-00515-CV; *Southcross Energy Partners GP, LLC v. Ivy Gonzales, et al.*; In the Fourth Court of Appeals. The oral argument was heard on September 17, 2020.
- Response to motion for rehearing in No. 01-18-00984-CV; *Belmont Village Hunters Creek TRS, LLC, et al. v. William Marshall, et al.*; In the First Court of Appeals. The response is due to be filed on September 30, 2020.
- Preparation of brief of appellee in No. 20-20090; *Norberto Valles v. The Cordish Company*; In the Fifth Circuit Court of Appeals. The brief is due October 14, 2020.
- Preparation of brief on the merits in No. 20-0066; *Haynes and Boone, LLP, et al. v. NFTD, LLC, et al.*; In the Texas Supreme Court. The merits brief is due to be filed on or before October 28, 2020, after one extension.
- Preparation of brief of appellee in No. 09-19-00419-CV; *Schindler Elevator Corporation v. Darren Ceasar*; In the Ninth Court of Appeals. The brief is due to be filed on or before October 28, 2020, after two extensions.
- Assistance with trial in No. 4:19-cv-00402-ALM; *ResMan, LLC v. Karya Property Management, LLC, et al.*; In the United States District Court for the Eastern District of Texas, Sherman Division. The trial begins November 2, 2020.

The Appellants, with the consent of the Respondents, request an extension of time to allow adequate time for counsel to prepare the brief. This Motion is not made for purposes of undue delay or any other improper purpose.

THEREFORE, the Appellants request an Order extending the time to file and serve the Initial Brief of Appellants and Designation of Matter for thirty (30) days, making the new deadline November 5, 2020. The undersigned counsel for Appellants has consulted with counsel for Respondents, and Respondents have consented to this extension.

Respectfully submitted,

CALLISON TIGHE & ROBINSON, LLC

/s/ D. Reece Williams, III

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Attorneys for Appellants

Pro Hac Vice Motions in Progress

September 29, 2020
Columbia, South Carolina

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
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Jennifer B. McCoy, Circuit Court Judge

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Corporation, Safway Group
Holdings, LLC, Easy Way Insulation
Co., Sypris Technologies, Inc. f/k/a
Tube-Turns Technologies Inc.,
Thompson Construction Group, Inc.,
and Thompson Industrial Services,
LLC, Defendants,

Defendants,

Of which

KapStone Paper and Packaging
Corporation and KapStone Kraft
Paper Corporation are

Respondents.

PROOF OF SERVICE

I hereby certify that, on this date, the **APPELLANTS' MOTION REQUESTING EXTENSION OF TIME TO FILE INITIAL BRIEF AND DESIGNATION OF MATTER** was served on Respondents' counsel via email, pursuant to Supreme Court Order dated March 20, 2020, as amended on May 29, 2020, and by first class U.S. mail as follows:

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A copy of the service email is attached hereto, as required.

I further certify that all parties required by Rule to be served have been served.

s/ D. Reece Williams, III

D. Reece Williams, III

September 29, 2020
Columbia, South Carolina

Katie Minton

From: Katie Minton
Sent: Tuesday, September 29, 2020 4:14 PM
To: Richard Willis; 'Derek Tarver'; 'Ducayet, Jim'
Cc: Kurt Arnold; Kyle Findley; Adam Lewis; Kala Sellers; Kason Kimberley; Kristina McDonald; Jill Erickson; KBA Team; 'Sara Rothell'; 'Kim Rothrock'; 'Duke R. Highfield, Esq.'; Wiseman, Jeffrey; 'Brandt R. Horton, Esq.'; 'Anderson, Victoria (Tori)'; 'Brennan, Sally'; Cattles, Martina (Marti); 'kstair@carlockcopeland.com'; Norris, Patrick J.; Yates, Melissa M.; Lemons, Alexandra M.; 'mpeeler@carlockcopeland.com'; Shaw, Katie D.; Canaday, Jenifer L.; Sonaly Hendricks; 'Carl Pierce'; Carson Parker; daniellynch@piercesloan.com; sherrymanning@phswlaw.com; lindsaygrady@phswlaw.com; 'jtiller@hsblawfirm.com'; 'Amy Bower, Esq.'; Caplan, Robert; 'gelnettb@whiteandwilliams.com'; Reece Williams; Rick Detwiler; Ian T. Duggan; Russell Post; Daniel N. Hammond; Harry Dixon
Subject: Appellate Case No. 2020-001210 | Jacque Lucas, Shirley Ann Lucas and Daniel Simerly vs. KapStone Paper and Packaging Corporation, et al.
Attachments: Clerk.Court of Appeals.004 (Motion for Extension).pdf; Appellants' Motion for Extension of Time (TO FILE). final 9-29-2020.pdf; Proof of Delivery - Motion for Extension of Time. 9-29-2020.pdf

Dear Counsel,

Attached please find Appellants' Motion Requesting Extension of Time to File Initial Brief and Designation of Matter, Proof of Service, and letter to the appellate clerk regarding the above-referenced matter. The attached documents are being submitted today to the Court of Appeals for filing. Thank you.

With kind regards,

CALLISON  TIGHE

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September 29, 2020

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Sep 29 2020

SC Court of Appeals

VIA EMAIL: ctappfilings@sccourts.org

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
P. O. Box 11629
Columbia, SC 29211

**Re: Jacque Lucas, Shirley Ann Lucas and Daniel Simerly
vs. KapStone Paper and Packaging Corporation and
KapStone Kraft Paper Corporation, et al.
Appellate Tracking No. 2020-001210
Our File No. 6716.001**

Dear Ms. Kitchings:

Enclosed herewith please find Appellants' Motion Requesting Extension of Time to File Initial Brief and Designation of Matter, together with the Proof of Service, in the above-referenced matter. Kindly file the same and return a clocked-in copy of each to the undersigned via return email. It is my understanding that, pursuant to Supreme Court Order dated March 20, 2020 as amended, no filing fee is required for this Motion.

The enclosed documents have been served upon Respondents' counsel today via email as indicated in the Proof of Service.

Please feel free to contact me with any questions. Thank you.

With kind regards, I am

Sincerely yours,

CALLISON TIGHE & ROBINSON, LLC

s/ D. Reece Williams

D. Reece Williams

DRW:kam
Enclosures

cc: (w/ encl.)

VIA EMAIL AND FIRST CLASS MAIL

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Derek D. Tarver, Esquire

VIA EMAIL ONLY

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