

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Jean H. Toal, Circuit Court Judge

Case No. 2020-CP-40-01226

RECEIVED

Oct 12 2020

SC Court of Appeals

Covil Corporation, by and
through its duly appointed
Receiver, Peter D. Protopapas, Respondent,

v.

Pennsylvania National Mutual
Casualty Insurance Company, Appellant.

MOTION TO EXTEND TIME TO FILE APPELLANT BRIEF

Pennsylvania National Mutual Casualty Insurance Company (“Penn National”), by and through counsel, and pursuant to the South Carolina Rules 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. Penn National filed a Notice of Appeal on September 14, 2020 appealing from an Order of the Honorable Jean H. Toal entered on August 13, 2020. Penn National’s Appellant Brief is currently due Wednesday, October 14, 2020.

2. The undersigned counsel for Penn National is currently occupied with several pre-trial deadlines, including pre-trial briefing deadlines on various motions, for a trial scheduled to be conducted in the U.S. District Court for the Eastern District of North Carolina beginning November 2, 2020, in a complex trademark and fraud case that the parties anticipate will last two (2) weeks.¹ Due to the significant time constraints presented by counsel’s trial preparation,

¹ *Beach Mart, Inc. V. L&L Wings, Inc.*, C.A. No. 2:11cv44, pending in the U.S. District Court for the Eastern District of North Carolina.

including several pre-trial deadlines, counsel needs additional time to sufficiently prepare Penn National's Appellant Brief in this case. For this reason, Penn National respectfully requests an additional thirty (30) days up to and including November 13, 2020 to file its Appellant Brief with this Court.

3. Counsel for Penn National has conferred with counsel for Plaintiff/Respondent, and counsel for Plaintiff/Respondent consents to Penn National's request for additional time.

October 12, 2020.

/s/ David G. Harris II
David G. Harris II
dharris@goldbergsegalla.com
S.C. State Bar No. 101951
GOLDBERG SEGALLA LLP
701 Green Valley Road, Suite 310
Greensboro, North Carolina 27408
Telephone: (336) 419-4900
*Attorney for Appellant Pennsylvania
National Mutual Casualty Insurance Co.*

Other Counsel of Record

Jescelyn Tillman Spitz
jspitz@rplegalgroup.com
RIKARD & PROTOPAPAS, LLC
1329 Blanding Street
Columbia, South Carolina 29201
Telephone: (803) 978-6111

-and-

G. Murrell Smith, Jr.
murrell@smithrobinsonlaw.com
Jonathan M. Robinson
jon@smithrobinsonlaw.com
SMITH ROBINSON HOLLER
DUBOSE AND MORGAN, LLC
2725 Devine Street
Columbia, South Carolina 29205
Telephone: (803) 254-5445

Attorneys for Respondent

NOTICE OF APPEAL IN A CIVIL CASE

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Jean H. Toal, Circuit Court Judge

Case No. 2020-CP-40-01226

Covil Corporation, by and
through its duly appointed
Receiver, Peter D. Protopapas,

Respondent,

v.

Pennsylvania National Mutual
Casualty Insurance Company,

Appellant.

PROOF OF SERVICE

I certify that a true copy of the Motion to Extend Time to File Appellant Brief in this case has been served on the following, this 12th day of October, 2020, by emailing a copy to each attorney listed below using their primary email address listed in the Attorney Information System pursuant to subsection (g)(3) of the South Carolina Supreme Court's March 20, 2020 Order, as amended May 29, 2020 to the following counsel of record:

jspitz@rplegalgroup.com

murrell@smithrobinsonlaw.com
jon@smithrobinsonlaw.com

RECEIVED
Oct 12 2020
SC Court of Appeals

October 12, 2020.

/s/ David G. Harris II

David G. Harris II (S.C. Bar No. 101951)

dharris@goldbergsegalla.com

GOLDBERG SEGALLA LLP

701 Green Valley Road, Suite 310

Greensboro, North Carolina 27408

Telephone: 336.419.4900

Facsimile: 336.419.4950

*Attorney for Appellant Pennsylvania National
Mutual Casualty Insurance Company*