

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM HORRY COUNTY
William H. Seals, Jr., Circuit Court Judge

Appellate Case No. 2020-001409

RECEIVED
Nov 10 2020
SC Court of Appeals

City of Myrtle Beach, For Itself and a Class of Similarly Situated Plaintiffs,Appellant,

v.

Horry County,Respondent.

APPELLANT’S MOTION FOR EXTENSION OF TIME

Pursuant to Rules 240 and 263(b), SCACR, Appellant City of Myrtle Beach (“City”) respectfully moves this Court for an extension of time in which to serve its Initial Brief of Appellant and Designation of Matter to be Included in the Record on Appeal. In support of this motion, the City states as follows:

1. The City filed its Notice of Appeal in this matter on October 21, 2020. Because a transcript from the proceedings below has already been prepared and need not be ordered, the City’s Initial Brief and Designation of Matter currently are due November 20, 2020. *See* Rule 208(a)(1), SCACR; Rule 209(a), SCACR.

2. Concurrent with its Notice of Appeal, the City filed a Consent Motion for Certification of this appeal to the Supreme Court under Rule 204(b), SCACR, and S.C. Code Ann. § 14-8-210(b). In that motion, the City also requested expedited review by the Supreme Court and suggested the appeal may be resolved on the parties’ submissions to the circuit court

and without the need for additional briefing. The County consents to certification and does not oppose expedited review without further briefing from the parties. The City's motion remains pending.

3. The City respectfully requests an extension of time of 30 days to serve its Initial Brief and Designation of Matter. This request is to allow the Supreme Court an opportunity to rule on the City's pending motion for certification and consideration of the appeal without additional briefing.

4. This is the first request for an extension by the City with respect to the Initial Brief and Designation of Matter. If the Court grants this request, the City calculates that these filings are to be filed and served by December 21, 2020.

5. This appeal is in its infancy, and the County will not be prejudiced by this extension. The City conferred with the County on the relief requested herein, and the County consents to the extension of time.

6. This request is made in good faith, and not for purposes of delay.

The City therefore respectfully requests that this Court grant this Motion and extend the time for filing and serving the Initial Brief of Appellant and Designation of Matter to be Included in the Record on Appeal until December 21, 2020.

[Signature page follows]

Respectfully submitted,

s/R. Walker Humphrey, II

John M.S. Hoefler, S.C. Bar No. 2549

Chad N. Johnston, S.C. Bar No. 73752

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Attorneys for Appellant

Charleston, South Carolina
November 10, 2020

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CERTIFICATE OF SERVICE

This is to certify that I, an attorney with the law firm Willoughby & Hoefler, P.A., have caused to be served this day one (1) copy of Appellant City of Myrtle Beach's **Motion for Extension of Time** by electronic mail delivery of same to the recipients listed and at their Attorney Information System provided email addresses below:

William Grayson Lambert, Esquire
glambert@burr.com
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CarottiA@HorryCounty.org

A copy of the email serving counsel as stated above is attached hereto as Exhibit 1.

s/R. Walker Humphrey, II

R. Walker Humphrey, II

S.C. Bar No. 79426

Charleston, South Carolina
November 10, 2020

Exhibit 1

Walker Humphrey

From: Walker Humphrey
Sent: Tuesday, November 10, 2020 4:03 PM
To: 'Gene Connell'; 'Carotti, Arrigo'; 'hgolding@burr.com'; 'jgilliam@burr.com'; 'glambert@burr.com'; 'aartigliere@burr.com'
Cc: John Hoefler; Chad Johnston
Subject: City of Myrtle Beach, et al. v. Horry County; Appellate Case No. 2020-001409
Attachments: 2020-11-10 Filing letter Motion for Extension of Time.pdf; 2020-11-10 Motion for Extension of Time.pdf

Counsel,

As permitted by part (g)(3) of Supreme Court Order 2020-05-29-02, I am serving via e-mail Appellant City of Myrtle Beach's Motion for Extension of Time and associated filing letter in the above-referenced matter. Shortly, I will be filing this motion with the Court of Appeals as permitted by part (c)(5) of the Order, and I will attach this e-mail to the certificate of service.

Please advise if you have any difficulty opening the attachments.

Warmest regards,

Walker



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WILLOUGHBY & HOEFER, P.A.

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***ALSO ADMITTED IN CALIFORNIA
****ALSO ADMITTED IN NORTH CAROLINA

November 10, 2020

VIA ELECTRONIC FILING

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201

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SC Court of Appeals

Re: *City of Myrtle Beach On Behalf of Itself and a Class of Similarly Situated Plaintiffs, v. Horry County*, Appellate Case No. 2020-001409

Dear Ms. Kitchings:

Attached for electronic filing in accordance with Supreme Court Order 2020-05-29-02, part (c)(6), and pursuant to Rules 240 and 263, SCACR, please find enclosed Appellant City of Myrtle Beach's Motion for Extension of Time in the above-referenced matter. As permitted by Order 2020-05-29-02, part (d), no other copies, whether paper or electronic, are being provided.

By copy of this letter, we are serving counsel for Respondent Horry County via email as permitted by Order 2020-05-29-02, part (g)(3), and attached is a proof of service to that effect.

A check in the amount of \$50.00 for the filing fees associated with this motion is being forwarded to your attention via U.S. Mail.

If you have any questions, please do not hesitate to contact me.

With warmest regards, I am

Sincerely yours,

WILLOUGHBY & HOEFER, P.A.

R. Walker Humphrey, II

RWH/
Enclosure

cc: Gene M. Connell, Jr., Esquire (gconnell@classactlaw.net)
Arrigo P. Carotti, Esquire (carottia@horrycounty.org)

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The Honorable Jenny Abbott Kitchings

November 10, 2020

Page 2 of 2

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