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Dec 14 2020

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Maite Murphy, Circuit Court Judge

Appellate Case No. 2020-001387
Case No. 2017-CP-10-5493

Shem Creek Development Group, LLC, Respondent,

v.

The Town of Mount Pleasant, South Carolina, Appellant.

**MOTION FOR EXTENSION OF TIME TO FILE
APPELLANT’S INITIAL BRIEF**

The Appellant Town of Mount Pleasant respectfully moves this Court for an additional thirty-day extension of time until January 15, 2021, by which to file and serve its Initial Brief and Designation of Matter to be Included in the Record on Appeal.

The Appellant’s motion is based on the following grounds:

1. The Appellant’s Initial Brief is currently due to be filed and served on December 16, 2020.

2. The undersigned counsel requires additional time to complete the Appellant's Initial Brief because the undersigned counsel has had a recent trial and numerous other deadlines that prevent him from completing the Appellant's Initial Brief by the current deadline, including two other appellate briefs due in the Court of Appeals on December 14, 2020 and December 17, 2020. In addition, this appeal arises from a four-day trial with a trial transcript in excess of 800 pages and involves complex legal issues.

3. The undersigned has consulted with Brandon Gaskins, counsel for the Respondent, and he consented to the requested extension by email (copy attached).

WHEREFORE, the Appellant respectfully requests that it be allowed until January 15, 2021, by which to file and serve its Initial Brief and Designation of Matter to be Included in the Record on Appeal.

LINDEMANN & DAVIS, P.A.

BY: s/ Andrew F. Lindemann
ANDREW F. LINDEMANN #13030
5 Calendar Court, Suite 202
Post Office Box 6923
Columbia, South Carolina 29260
(803) 881-8920
Email: andrew@ldlawsc.com

*Counsel for Appellant
Town of Mount Pleasant*

December 14, 2020

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From: [Brandon Gaskins](#)
To: [Andrew Lindemann](#)
Subject: Re: Shem Creek Development Group v. Town of Mount Pleasant - 2017-CP-10-5493
Date: Sunday, December 13, 2020 9:59:17 AM

Yes. I consent.

Best,

Brandon

Sent from my iPhone

On Dec 12, 2020, at 7:03 PM, Andrew Lindemann <Andrew@ldlawsc.com> wrote:

EXTERNAL EMAIL - USE CAUTION

Brandon:

I hope you are doing well.

I have a big favor to ask. My initial brief is due this Wednesday. I am behind because of a trial I had the first week of this month, plus I have two other appellate briefs due this coming week. I would like to ask the Court for an additional extension of 30 days (preferably) or at least 20 days (to clear the holidays).

Would you kindly consent to a 30-day extension? I would definitely appreciate the courtesy. I want to get the motion filed Monday if at all possible, so please advise when you can.

Thanks.

Have a good rest of the weekend.

Andrew

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[Moore & Van Allen](#)

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CERTIFICATE OF SERVICE

Pursuant to Section (g)(3) of the Supreme Court's Amended Order Re: Operation of the Appellate Courts During the Coronavirus Emergency (as amended May 29, 2020), the undersigned employee of Lindemann & Davis, P.A., counsel for the Appellant, does hereby certify that service of the **Motion for Extension of Time to File Appellant's Initial Brief** was made upon all counsel of record by email only this the 14th day of December 2020:

E. Brandon Gaskins, Esquire
Moore & Van Allen, PLLC
Email: brandongaskins@mvalaw.com

Claudius O. Tackett, II, Esquire
Claude Tackett Law Firm, LLC
mail: claudetackett@claudetackettllaw.com

David Pagliarini, Esquire
Corporation Counsel
Town of Mount Pleasant
Email: david@lawyershmp.com

s/ Andrew F. Lindemann



Telephone (803) 881-8920
Facsimile (803) 862-1181

5 Calendar Court, Suite 202 (29206)
Post Office Box 6923
Columbia, South Carolina 29260

December 14, 2020

ANDREW F. LINDEMANN*
Direct Dial: (803) 881-8921
Email: andrew@ldlawsc.com

JAMES M. DAVIS, JR.†
Direct Dial: (803) 881-8922
Email: jim@ldlawsc.com

*Also Admitted in North Carolina
†Certified Mediator

Of Counsel

STEVEN R. SPREEUWERS
Direct Dial: (803) 373-2268
Email: steve@ldlawsc.com

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SC Court of Appeals

Via Email Only

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
Email: ctappfilings@sccourts.org

RE: Shem Creek Development Group, LLC v. The Town of Mount Pleasant, South Carolina
Appellate Case Number: 2020-001387
Civil Action Number: 2017-CP-10-5493
Our File Number: 79.20381

Dear Ms. Kitchings:

Pursuant to Section (c)(6) of the Supreme Court's Amended Order Re: Operation of the Appellate Courts During the Coronavirus Emergency (As Amended May 29, 2020), please find enclosed for filing the **Motion for Extension of Time to File Appellant's Initial Brief** in the above referenced matter. In accordance with Section (g)(3) of the same Order, I am herewith serving copies on all counsel of record.

If you have any questions, please advise. Thank you for your assistance in this matter.

Sincerely,

LINDEMANN & DAVIS, P.A.

Andrew F. Lindemann

AFL/jmb
Enclosure

cc: E. Brandon Gaskins, Esquire (*w/ Enclosure, Via Email Only*)
Claudius O. Tackett, II, Esquire (*w/ Enclosure, Via Email Only*)
David Pagliarini, Esquire (*w/ Enclosure, Via Email Only*)