

**THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

Appeal from Dorchester County
Court of Common Pleas

James E. Chellis, Master-in-Equity

RECEIVED

Dec 30 2020

Case No. 2016-CP-18-01812

Appellate Case No. 2020-001029

SC Court of Appeals

David Hannemann,
as President of the Live
Oak Village Homeowner's
Association, Inc.,

Respondent,

v.

William McFarland,

Appellant.

**MOTION FOR LEAVE TO FILE/SERVE
INITIAL BRIEF OF APPELLANT OUT OF TIME**

YOUNG CLEMENT RIVERS, LLP
Russell G. Hines (SC Bar No. 72100)
25 Calhoun Street, Suite 400
Charleston, South Carolina 29401
P.O. Box 993 (29402)
(843) 720-5488

Attorney for Appellant

NOW COMES Appellant, William McFarland, by and through his undersigned counsel, pursuant to Rule 263(b), SCACR, and moves this Honorable Court for leave to file/serve the Initial Brief of Appellant and Appellant's corresponding designation of matter to be included in the record on appeal out of time, both of which are conditionally filed/served contemporaneously herewith.

For the same reasons already set forth in a succession of recent motions to extend Appellant's initial briefing deadline (beginning with the motion filed December 14, 2020, for an extension of the deadline to December 18, 2020, and most recently with the motion filed December 23, 2020, for an extension of the deadline to yesterday, December 29, 2020), quite simply, the Initial Brief of Appellant has taken the undersigned longer to complete than he ever in good faith imagined it would. But it is now complete, and, again, conditionally filed/served contemporaneously herewith.

WHEREFORE, the undersigned once again submitting—though all the more humbly—that the grant of thereof relief requested herein is warranted as an appropriately modest dispensation that is consistent with the interests of justice and will not result in any undue prejudice to Respondent or delay, Appellant moves the Court to grant him leave to file/serve the Initial Brief of Appellant and Appellant's corresponding designation of matter to be included in the record on appeal out of time and to accept as duly filed/served the Initial Brief of Appellant and

designation of matter that are conditionally filed/served contemporaneously herewith.

Respectfully submitted,
YOUNG CLEMENT RIVERS, LLP

By: s/Russell G. Hines
Russell G. Hines (SC Bar No. 72100)
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Attorney for Appellant

Charleston, South Carolina

December 30, 2020

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SC Court of Appeals

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PROOF OF SERVICE

YOUNG CLEMENT RIVERS, LLP
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Attorney for Appellant

I, Russell G. Hines, of Young Clement Rivers, LLP, attorney for Appellant, hereby certify that the **MOTION FOR LEAVE TO FILE/SERVE INITIAL BRIEF OF APPELLANT OUT OF TIME**, the **INITIAL BRIEF OF APPELLANT**, and **APPELLANT'S DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL** were served on Respondent on December 30, 2020, via email (see attached) to Respondent's following counsel of record:

James B. Hood, Esquire
Virginia Rogers Floyd, Esquire
Hood Law Firm, LLC
P.O. Box 1508
Charleston, SC 29402

Attorneys for Respondent

Respectfully submitted,

YOUNG CLEMENT RIVERS, LLP

By: s/Russell G. Hines
Russell G. Hines (SC Bar No. 72100)

Attorney for Appellant

Charleston, South Carolina

December 30, 2020

From: [Hines, Russell](#)
To: "[Jamie Hood](#)"; "[Virginia Floyd](#)"
Cc: [Bell, Pollyana \(Polly\)](#); [Justman, Aimee](#)
Subject: Appellate Case No. 2020-001029 (Hannemann v. McFarland) -- Appellant's Mot. for Leave, Initial Brief of Appellant, and Designation of Matter
Date: Wednesday, December 30, 2020 3:44:50 PM
Attachments: [image001.png](#)
[2020-001029 \(Hannemann v. McFarland\) -- Mot. for Leave.pdf](#)
[2020-001029 \(Hannemann v. McFarland\) -- Initial Brief of Appellant.pdf](#)
[2020-001029 \(Hannemann v. McFarland\) -- Appellant's DOM.pdf](#)

Jamie and Virginia,

Attached in the above-referenced matter please find a **Motion for Leave to File/Serve Initial Brief of Appellant Out of Time**, the **Initial Brief of Appellant**, and **Appellant's Designation of Matter to be Included in the Record on Appeal**.

Russ

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