

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Richland County
Court of Common Pleas

The Honorable Robert E. Hood, Circuit Court Judge
Trial Court Case No. 2016-CP-40-00164

RECEIVED

Mar 10 2021

SC Court of Appeals

Appellate Case No. 2017-001522

Opinion No. 5738

Heard December 10, 2019 – Filed July 1, 2020

Withdrawn, Substituted and Refiled December 2, 2020

The Kitchen Planners, LLC, Appellant

v.

Samuel E. Friedman and Jane Breyer Friedman
and Branch Banking and Trust, Respondents

MOTION FOR LEAVE TO FILE OUT OF TIME A RESPONSE TO
APPELLANT'S PETITION FOR CERTIORARI

Respondents come before this Court and request a Motion for Leave to File Out of Time Response to Appellant's Petition for Certiorari. A Motion for an extension of time was filed on February 11, 2021 requesting an extension of thirty (30) days and was believed that the thirty (30) day request was granted due to the receipt and filing of the Motion. Counsel for Respondents have no record of receiving the Order which granted only 20 days for the filing of

the Return. As such, Counsel believed that the deadline for filing the Response was February 12, 2021 and calendared it as such.

Counsel was first made aware of the twenty (20) day extension on March 10, 2011, when an email was received from the Court regarding the Respondents' Return to the Writ of Certiorari. Counsel immediately filed the Return and this Motion in response. Counsel sent a request to opposing counsel for consent to this Motion, but as of the time of filing had not received a response.

Counsel for Respondents does not have an explanation as to why there is no record of the Order in their office other than over the past ninety (90) days, our firm has encountered numerous email and server outages. These outages have been extremely disruptive and numerous communications have been lost. This may be the reason as to why the Order was not received and calendared correctly. As a result, the extension was calendared for March 12, 2021 which is what Respondents requested in their Motion

Respondents' respectfully ask this Court to allow the parties to respond to Appellant's Petition for Certiorari which would have been due on March 2, 2021.

Respectfully submitted,



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