

THE STATE OF SOUTH CAROLINA
In the Supreme Court

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S.C. SUPREME COURT

APPEAL FROM LEXINGTON COUNTY
Court of Common Pleas

G. Thomas Cooper, Jr., Circuit Court Judge

Appellate Case No. 2021-000419

Robert F. Berry, Respondent,

v.

Scott A. Spang, Wells Fargo Clearing Services, LLC,
f/k/a Wells Fargo Advisors, LLC,
Wachovia Securities Financial Holdings, LLC,
Wells Fargo & Company, and Wells Fargo Bank, N.A., Petitioners.

**ROBERT F. BERRY’S MOTION FOR EXTENSION OF TIME
TO FILE RETURN TO PETITION FOR WRIT OF CERTIORARI**

Pursuant to Rules 240, 242, and 263(b), of the South Carolina Appellate Court Rules, Respondent Robert F. Berry respectfully moves this Court for an extension of time to file his return to the April 23, 2021, Petition for Writ of Certiorari of Petitioners Scott A. Spang, Wells Fargo Clearing Services, LLC, f/k/a Wells Fargo Advisors, LLC, Wachovia Securities Financial Holdings, LLC, Wells Fargo & Company, and Wells Fargo Bank, N.A. (collectively “Petitioners”), to the Court of Appeals of its Published Opinion No. 5792, filed January 13, (Shearouse Ad. Sh. No. 1 at 55) (“Opinion”). In support of this motion, Mr. Berry states as follows:

1. The Court of Appeals issued a published opinion in the above-captioned matter, Opinion No. 5792, filed January 13, affirming the decision of the circuit court.

2. Petitioners filed a petition for rehearing with the Court of Appeals on January 28, 2021, which was denied by Order dated March 26, 2021.

3. Thereafter, Petitioners filed a petition for writ of certiorari to the Opinion on April 23, 2021. Mr. Berry's return is currently due to be filed May 24, 2021.

4. As a result of other work obligations conflicting with the current deadline, including argument before this Court on May 25, 2021 in another matter, the undersigned respectfully requests an extension of ten (10) days to file Mr. Berry's return.

5. If the Court grants this request, Counsel for the Mr. Berry calculates that they will have until June 3, 2021, in which to file a return to the petition for writ of certiorari.

6. This is the first request for an extension by Mr. Berry to this Court, and the time period requested is consistent with Supreme Court Order 2014-07-16-01.

7. This request is made in good faith, not for purposes of delay, and Petitioners will not be prejudiced by this extension.

8. Counsel for Mr. Berry has consulted with counsel for the Petitioners, and the undersigned is authorized to state that Petitioners consent to the granting of this request.

Counsel for Mr. Berry therefore respectfully requests that the Court grant this motion and extend the time for filing a return to the petition for writ of certiorari to the Court of Appeals until June 3, 2021.

[SIGNATURE PAGE FOLLOWS]

Respectfully submitted,

s/Chad N. Johnston

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This 20th day of May 2021
Columbia, South Carolina