

THE STATE OF SOUTH CAROLINA
In The Supreme Court

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Jul 30 2021

S.C. SUPREME COURT

APPEAL FROM BARNWELL COUNTY
Court of Common Pleas

Doyet A. Early, III, Circuit Court Judge

Appellate Case No. 2020-000651

Martha M. Fountain and Curtis Fountain
Plaintiffs

v.

Fred's, Inc. and Wildevco, LLC,
Respondents

v.

Tippins-Polk Construction, Inc. and Rhoad's Excavating Services, LLC.....
Defendants Third-Party

Of Whom Tippins-Polk Construction, Inc. is the Petitioner.

MOTION TO FILE CONSOLIDATED REPLY BRIEF & EXTENSION

On July 21, 2021, the Court granted Respondent, Fred's Inc., ("Fred's") an extension of time to submit its brief up to and including August 16, 2021. On July 23, 2021, the Court granted Respondent, Wildevco, LLC, ("Wildevco") an extension of time to submit its brief up to and including August 2, 2021. Under the present posture, Petitioner will have to file two separate

reply briefs. A response to Wildevco's brief is presently due on August 12, 2021, which is before Fred's brief is even due. A reply to Fred's brief would then be due ten days after its submission which would presently be August 26, 2021.

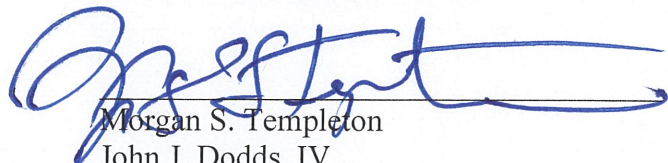
Petitioner is hereby asking for permission from the Court to file one consolidated Reply brief to address the arguments of both Respondents. In order to do that, Petitioner is asking that the deadline to file its Reply brief be set for ten (10) days following the filing of Fred's brief which necessarily entails a request to extend the deadline to respond to Wildevco's brief. If granted, the consolidated Reply brief of Petitioner would be due on or before August 26, 2021, or ten (10) days following the filing of Fred's brief, whichever is shorter. The undersigned has conferred with counsel for Fred's and he consents to this request. The undersigned has attempted to communicate with counsel for Wildevco but has not received a response as to whether this request is opposed.

This motion/request is made to streamline the briefing process, to reduce the need for multiple briefs, and in the interest of economy. It is not requested for the purposes of delay.

Dated this 30th day of July, 2021.

Respectfully submitted,

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