

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

68013

APPEAL FROM ANDERSON COUNTY
Court of Common Pleas

The Honorable Alexander S. Macaulay, Circuit Court Judge

RECEIVED
APR 12 2013

Case Nos. 2010-CP-04-1845 and 2012-CP-04-1433
Appellate Case No. 2012-213385

COURT OF APPEALS

JAMES ROBERT MALLOY, PLAINTIFF,

v.

SWAIN N. THOMPSON, JR., DEFENDANT.

In the Matter of: ESTATE OF ROBERT L. CHAMBLEE.

JAMES ROBERT MALLOY, RESPONDENT,

v.

SWAIN N. THOMPSON, JR., MERRILL LYNCH, PIERCE, FENNER
& SMITH, INC., JOSEPH T. ARGO, AND GREENE AND
COMPANY, L.L.P., DEFENDANTS.

In the Matter of: ESTATE OF ROBERT L. CHAMBLEE,

Of whom MERRILL LYNCH, PIERCE, FENNER & SMITH, INC. is the APPELLANT.

RESPONDENT'S MOTION FOR EXTENSION OF TIME

Pursuant to South Carolina Appellate Court Rule 263(b), Respondent James Robert Malloy moves for an extension of thirty (30) days from the existing deadline to file his initial

brief in this matter. Appellant filed and served its initial brief on April 1, 2013 following this Court's grant of a 30-day extension to Appellant (with Respondent's consent). Respondent's initial brief is now due on or before May 1, 2013. Respondent would request an extension of thirty (30) days or until Friday, May 31, 2013, to file and serve his initial brief.

Respondent's attorneys respectfully request this extension due to numerous commitments in ongoing cases. Respondent has not requested any prior extensions from the Court. If the extension is granted, Respondent's initial brief will be due on or before Friday, May 31, 2013. Respondent's counsel has conferred with counsel for Appellant and Appellant's co-defendants regarding this motion, and they consent to the thirty (30) day extension.

For the reasons set forth herein, Respondent requests a thirty (30) day extension to serve and file his initial brief.

Respectfully submitted,

THE GILREATH LAW FIRM, P.A.

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ATTORNEYS FOR RESPONDENT

Dated: April 10, 2013
Greenville, South Carolina.

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COMPANY, L.L.P., DEFENDANTS.

In the Matter of: ESTATE OF ROBERT L. CHAMBLEE,

Of whom MERRILL LYNCH, PIERCE, FENNER & SMITH, INC. is theAPPELLANT.

CERTIFICATE OF SERVICE

This is to certify that I have this day served a copy of the foregoing **RESPONDENT'S MOTION FOR EXTENSION OF TIME** by depositing the same in the United States Mail with adequate postage affixed thereon to ensure delivery, addressed as follows:

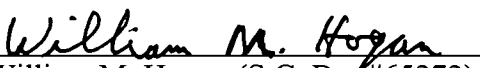
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ATTORNEYS FOR RESPONDENT

Dated: April 10, 2013
Greenville, South Carolina.

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April 10, 2013

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

RECEIVED

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RE: *James Robert Malloy v. Swain N. Thompson, Jr., Merrill Lynch, Pierce
Fenner & Smith, Inc., et al.*

SC COURT OF APPEALS

South Carolina Court of Appeals Case No. 2012-213385

Dear Ms. Kitchings:

Enclosed please find the original and seven (7) copies of Respondent's Motion for Extension of Time and a Certificate of Service regarding the above referenced case. Also enclosed is a check in the amount of \$25 for the filing fee.

Please file the originals and return a filed-clocked copy to me in the enclosed self-addressed, stamped envelope.

Thank you for your assistance in this matter. If you have any questions or need anything further, please let me know.

Sincerely,

William M. Hogan

William M. Hogan

WMH/kmk

Enclosures

cc: S. Alan Medlin, Esquire (w/enclosures)
E. Brandon Gaskins, Esquire (w/enclosures)
Christopher A. Ogiba, Esquire (w/enclosures)
Rodney J. Heggy, Esquire (w/enclosures)

The Honorable Jenny Abbott Kitchings

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April 10, 2013

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