

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM LANCASTER COUNTY
Court of Common Pleas

Brooks P. Goldsmith, Master in Equity

Case No. 06-CP-29-1354

RECEIVED

APR 19 2013

S.C. SUPREME COURT

Larius G. Woodson and Maurissa Woodson..... Petitioners,

v.

DLI Properties, LLC, Allen Tate Co., Inc., Melia C. Faile
and Alan L. Cauthen,

of whom:

Allen Tate Co., and

Melia C. Faile are..... Respondents.

MOTION FOR
EXTENSION OF TIME

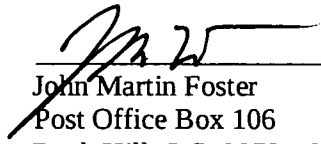
Pursuant to Rule 240 and 242(i), S.C.A.C.R., the Petitioners, by their counsel herein, move this Court for an order granting them an extension of time in which to file their Brief and Appendix upon grant of *Certiorari*, on the grounds stated below:

1. On January 4, 2013, counsel for Appellant was incapacitated and underwent a heart bypass operation. After the operation and during recovery, he has been in a cardiac rehabilitation program: that program is slated to end in the coming week. He thus expects to be in his office on a full or part time basis beginning at that time.
2. After his operation, counsel (through his secretary) sent an e-mail to this Court and Clerk, among others, on January 8, 2013.
3. By this Motion, and based upon the facts recited above, counsel for Appellant respectfully requests a reasonable extension of time to submit the Appellant's Brief and Appendix upon grant of *Certiorari*.

The basis of this Motion is the within-cited Rules, the records of this appeal, and any attached affidavit or stipulation of the undersigned, which items are hereby incorporated in this Motion.

WHEREFORE, the Petitioners herein move this Court for an extension of time in which to file their Brief and Appendix upon grant of *Certiorari*, for a reasonable time, or for a period of thirty (30) days, pursuant to Rules 240 and 242(i), S.C.A.C.R.

April 17, 2013



John Martin Foster
Post Office Box 106
Rock Hill, S.C. 29731-6106
(803) 324-8100
Attorney for Petitioners

Other Counsel of Record:

Thomas L. Ogburn, III
Poyner & Spruill, LLP
301 S. College Street, Suite 2300
Charlotte, N.C. 28202
704 342-5258

Subject: Martin Foster, Dr's Letter
From: John Martin Foster <jmfoster@comporium.net>
Date: 01/08/2013 01:25 PM
Attachments: Dr's Letter.pdf (15.2 KB)
To: Chief Justice Jean Toal <jtoal@sccourts.org>, Daniel Shearouse <dshearouse@sccourts.org>, "Honorable Margaret B. Seymour" <margaret_seymour@scd.uscourts.gov>, Honorable John Few <jfew@sccourts.org>, "Hayes, The Honorable John C." <jhayesj@sccourts.org>, Lynn Strait <lynn.strait@yorkcountygov.com>, "The Honorable S. Jackson Kimball, III" <jack.kimball@yorkcountygov.com>, Maryann Motz <Maryann.Motz@yorkcountygov.com>, "The Honorable Carolyn W. Rogers" <carolyn.rogers@yorkcountygov.com>, "Berinsky, Clifford & Diane" <clifford.berinsky@yorkcountygov.com>, Patrick Martin <patrick@lazenbylawfirm.com>, "Leonard R. Jordan Jr." <LJordan@BQSLaw.com>, "Thomas L. Ogburn, III" <toburn@poynerspruill.com>, Keith Martens <KMartens@hmandb.com>, "Earl R. Gatlin" <ergat@comporium.net>, Jenny Kitchings <jkitchings@sccourts.org>, David Blackwell <david.blackwell@btmlaw.com>, Erin Urquhart <ErinU@mcdowlaw.com>, "Michael K. Hatch" <michael.hatch@mortongettys.com>, "Milton E. Hamilton" <mehsr@truvista.net>, Bob Marshall <bob@bobmarshall.com>

Your Honors, Colleagues:

Attached is the Doctor's letter confirming the information in the previous email.

Rhonda Driskell
For Martin Foster

-- Your Honors, Colleagues:

After more than a week with chest pains, my doctor on Friday, January 5, had me driven by ambulance to Piedmont Medical Center. After catheritization, the surgeon concluded I had a ninety percent occlusion and ordered an immediate surgery. This was a triple by-pass. I am told I will be out for an undetermined period, probably one to two months. If I can get the doctor's letter to confirm these facts it will accompany this email.

This email is to inform the courts and opposing counsel that I must ask for a continuance of hearings in that period and for extensions of appellate deadlines in the same period.

I apologize for doing this by email but I felt I had a duty to inform all as soon as possible. A revised version of this email naming all cases should follow.

At the courts requests, I will be happy to send a formal motion to that effect together with any required fees. I thank you all for the consideration in this situation.

Respectfully Yours,

John Martin Foster
1/5/13

John Martin Foster, Attorney
as dictated to Rhonda Driskell

JOHN MARTIN FOSTER jmfoster@comporium.net

THE GUARDIAN BUILDING

223 E MAIN ST SUITE 520 ROCK HILL SC 29730

P O Box 106 ROCK HILL SC 29731-6106



**CATAWBA-PIEDMONT
CARDIOTHORACIC &
VASCULAR SURGERY**

Affiliated with **PMC Physician Network**

David Savage, MD | Keith Menes, MD

January 8, 2012

To Whom It May Concern:

John Foster is a patient of Dr. Savage's, and underwent emergency heart surgery on Friday January 4th, 2013. The expected recovery time for this procedure is approximately 12 weeks. We will be seeing Mr. Foster in a few weeks in the office and will know better at that time when he will be able to resume full activities.

Thank you,

David H. Savage, M.D.

200 South Herlong Avenue, Suite E-1 | Rock Hill, SC 29732
Phone: 803-324-1950 | Fax: 803-324-1933
www.catawbacardiothoracic.com

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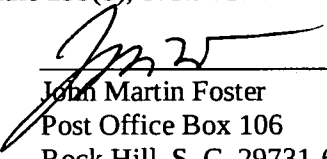
I certify that, on April 17, 2013 I served the **Motion for Extension of Time**, dated April 17, 2013, on the following counsel or persons of record:

Thomas L. Ogburn, III
Poyner & Spruill, LLP
301 S. College Street, Suite 2300
Charlotte, N.C. 28202

by depositing the same with the United States mail, with sufficient first class postage attached, properly addressed to the clerk of the Court, and with a copy also directed to the respective last known address(es) of those attorney(s) and/or persons set out below; or

by hand delivering copies of the same to the following persons, or by leaving the same at that person's office with that person's clerk or some other person in charge thereof, or by leaving it in a conspicuous place therein; of if the office was closed or the person to be served has no office, by leaving a copy at that person's dwelling place or usual place of abode with some person of suitable age and discretion then residing therein, all pursuant to Rule 233(b), S.C.A.C.R.

April 17, 2013


John Martin Foster
Post Office Box 106
Rock Hill, S. C. 29731-6106
(803)324-8100
Attorney for Petitioners