

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

APPEAL FROM HORRY COUNTY
Court of Common Pleas

The Honorable Benjamin H. Culbertson, Circuit Court Judge

CASE NO. 2020-CP-26-00785
APPELLATE CASE NO. 2021-001074

ANI CREATION, INC. d/b/a Rasta; ANI CREATION, INC. d/b/a Wacky T's;
BLUE SMOKE, LLC d/b/a Doctor Vape; BLUE SMOKE, LLC d/b/a Blue Smoke
Vape Shop; ABNME, LLC d/b/a Best for Less; KORETZKY, LLC d/b/a Grasshopper;
RED HOT SHOPPE, INC.; E.T. SPORTSWEAR, INC. d/b/a Pacific Beachwear;
MYRTLE BEACH GENERAL STORE, LLC; I AM IT, INC. d/b/a T-Shirt King;
and BLUE BAY RETAIL, INC. d/b/a Surf's Up, Petitioners,

Appellants

vs.

CITY OF MYRTLE BEACH BOARD OF ZONING APPEALS and KEN MAY,
ZONING ADMINISTRATOR FOR CITY OF MYRTLE BEACH, Respondents,

Respondents

**MOTION FOR EXTENSION OF TIME TO FILE APPELLANT'S
INITIAL BRIEF AND DESIGNATION OF MATTER**

YOU WILL PLEASE TAKE NOTICE that the undersigned, as attorney for the Appellants, moves this Court for an Order extending the time to file Appellants' Initial Brief and Designation of Matter currently due on Monday, December 13, 2021 in the captioned case. The basis of this motion is counsel's trial schedule includes a trial the week of December 6, 2021 and the week of December 13, 2021. This is Appellants' first request for extension in this matter.

WHEREFORE, Appellants' counsel respectfully requests this Court issue its Order granting Appellants an extension to January 12, 2022 to file Appellants' Initial Brief and Designation of Matter.

Respectfully submitted,

KELAHER, CONNELL & CONNOR, P.C.



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December 9, 2021

Attorneys for Appellants

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ZONING ADMINISTRATOR FOR CITY OF MYRTLE BEACH, Respondents,

Respondents

PROOF OF SERVICE

PERSONALLY appeared before me, Shelia Y. McCumbee, who being duly sworn, deposes and says that she is an employee of Kelaher, Connell & Connor, P.C., and that she has served a copy of Appellants' Motion for Extension of Time to File Appellants' Initial Brief and Designation of Matter on the 9th day of December, 2021, by depositing a copy of same in the United States Mail, postage prepaid, to:

Michael W. Battle, Esquire
Battle Law Firm, LLC
PO Box 530
Conway, SC 29528-0530

Shelia Y. Y. McCumbee
Shelia Y. McCumbee

SWORN AND SUBSCRIBED before me,
this 9th day of December, 2021.

Jim C. Berta
Notary Public for South Carolina
My Commission Expires: 1-22-29

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S.C. SUPREME COURT

KELAHER, CONNELL & CONNOR, P.C.

ATTORNEYS AT LAW

SUITE 209

THE COURTYARD

1500 U.S. HIGHWAY 17 NORTH

P.O. DRAWER 14547

SURFSIDE BEACH, SOUTH CAROLINA 29587

EDWARD T. KELAHER*
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*OF COUNSEL

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238-5648
FAX: 238-5050

December 9, 2021

Patricia A. Howard
Clerk of Court
Supreme Court of South Carolina
P. O. Box 11330
Columbia, SC 29211

Re: Appellate Case No. 2021-001074
Ani Creation, Inc., et al. v. City of Myrtle Beach Board of Zoning Appeals, et al.
C/A No. 2020-CP-26-00785
Our File No. 2018-0411C

Dear Ms. Howard:

Enclosed please find our Motion for Extension of Time to File Appellants' Initial Brief and Designation of Matter and Proof of Service in the above-captioned matter. Our check for the \$50.00 filing fee is also enclosed. It is our understanding additional copies of the motion are not required at this time.

By copy of this letter, we hereby serve Appellants' Motion for Extension on counsel for Respondent.

Should you have any question or need anything further at this time, please do not hesitate to contact me.

Sincerely yours,


Gene M. Connell, Jr.

GMC,Jr.:sm
Enclosures

cc w/enc.: Michael W. Battle, Esquire
Reese R. Boyd, III, Esquire

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S.C. SUPREME COURT