

THE STATE OF SOUTH CAROLINA
In The Supreme Court

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Dec 22 2021

S.C. SUPREME COURT

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas
J. Ernest Kinard, Jr., Circuit Court Judge

Court of Appeals Opinion No. 2019-UP-393
Originally Filed as 2018-UP-178, 2018-UP-179 and 2018-UP-180
Withdrawn, Substituted and Refiled December 18, 2019

Appellate Case No. 2020-000667

The Callawassie Island Members Club, Inc., Respondent,

v.

Gregory L. Martin and Rebecca L. Martin, Defendants,

and

The Callawassie Island Members Club, Inc., Respondent,

v.

Michael J. Frey and Grace I. Frey, Defendants,

Of Whom Michael J. Frey is the Petitioner.

**MOTION FOR EXTENSION OF TIME TO FILE RESPONSE TO RESPONDENT'S
MOTION FOR SUPPLEMENTAL BRIEFING**

Petitioner Michael J. Frey (“Frey”) with the consent of Respondent The Callawassie Island Members Club, Inc. (“Club”), pursuant to Rule 263(b) and Rule 240 of the South Carolina Appellate Court Rules, respectfully moves the Supreme Court for an 11-day extension of time to serve and file Petitioner’s return to the Club’s *Motion For Leave Of Court To Submit Supplemental Briefing*, to January 7, 2022. Frey respectfully submits that there is good cause for this extension, as follows:

1. This Court held final oral arguments in this case on November 9, 2021.
2. More than a month later (38 days), on December 17, 2021, the Club filed a *Motion For Leave Of Court To Submit Supplemental Briefing*.
3. This was done without leave of the Court, and without consulting with, or prior notice to, Frey.
4. The unauthorized filing contains numerous new exhibits and a new affidavit executed more than a month after the final oral arguments. None of those documents are in the Record on Appeal and none were previously provided to Frey.
5. Pursuant to Rule 240(e), SCACR, Frey’s response to the Motion is due ten (10) days after filing, on December 27, 2021. That is the Monday after Christmas weekend.
6. Frey files this motion requesting an 11-day extension to file his response to the Club’s Motion.
7. Counsel for the Club has consented to this request.
8. The reasons for the request are (a) the Christmas and New Year holidays, which Frey’s counsel would much prefer to spend with family and friends rather than

with the Club's filing, and (b) the unique nature and complexity of the arguments in the Club's Motion, as well as the multitude of new facts offered, which will require considerable time to address.

Therefore, for the foregoing reasons and with the consent of counsel for the Respondent, Petitioner respectfully asks this Court to grant Petitioner an extension of time to file their response to the Club's Motion, to and until January 7, 2022.

Respectfully submitted,

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December 22, 2021
Charleston, South Carolina