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Dec 29 2021

SC Court of Appeals

**THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

Appeal from Charleston County
Court of Common Pleas

R. Kirk Griffin, Circuit Court Judge

Case No. 2011-CP-10-07166
Appellate Case No. 2021-001443

Otha Delaney,
Individually and on behalf of all others similarly situated,

Respondent,

v.

First Financial of Charleston, Inc.,

Appellant.

**APPELLANT'S MOTION FOR EXTENSION OF TIME TO FILE/SERVE
MEMORANDUM ADDRESSING THE ISSUE OF APPEALABILITY**

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Additional Counsel for Appellant

NOW COMES Appellant, First Financial of Charleston, Inc., by and through its undersigned counsel, pursuant to Rule 263(b), SCACR (providing that the Court may extend the time for performing any act except the time for serving the notice of appeal under Rules 203 and 243, SCACR), and, on the grounds set forth below, hereby moves this Honorable Court for a one-week extension of time, i.e., an extension from today, Wednesday, December 29, 2021, to Wednesday, January 5, 2022, to file/serve its Appealability Memorandum, i.e., the memorandum addressing the issue of appealability that Appellant was requested to file/serve via the Court's letter of December 17, 2021.

Based on the Court's letter of December 17, 2021 (requesting that Appellant file/serve its Appealability Memorandum within ten (10) days), Appellant's Appealability Memorandum is due today, Wednesday, December 29, 2021. *See* Rule 263(a) ("In computing any period of time prescribed or allowed by these Rules, by order of court, or by any applicable statute, the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday or a state or federal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor such holiday.").¹

¹ Monday and Tuesday of this week were holidays, in observance of Christmas Day and the Day After Christmas, respectively.

Because of work-related and other time commitments, including especially those relating to/occasioned by the present holiday season, the undersigned requests that the Court extend the time for Appellant to file/serve its Appealability Memorandum by one week from today, i.e., to extend the deadline from today, Wednesday, December 29, 2021, to Wednesday, January 5, 2022. Most respectfully, the undersigned submits that the grant of such relief is consistent with the interests of justice and will not result in any undue prejudice or delay.

Wherefore, Appellant moves this Honorable Court to grant it an extension of one week's time to file/serve its Appealability Memorandum. If the requested extension is granted, the new deadline for Appellant's Appealability Memorandum will be Wednesday, January 5, 2022, according to the undersigned's calculations. *See* Rule 263(a) (regarding computation of time). Additionally, Appellant asks that the Court hold this deadline in abeyance until it rules upon this motion.

<SIGNED ON THE FOLLOWING PAGE>

Respectfully submitted,
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December 29, 2021

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Otha Delaney,
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First Financial of Charleston, Inc.,

Appellant.

PROOF OF SERVICE

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Additional Counsel for Appellant

I, Russell G. Hines, of Clement Rivers, LLP, attorneys for Appellant, hereby certify that **APPELLANT’S MOTION FOR EXTENSION OF TIME TO FILE/SERVE MEMORANDUM ADDRESSING THE ISSUE OF APPEALABILITY** was served on all parties to this matter on December 29, 2021, by emailing (see attached) a copy of the same to the following counsel of record:

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Respectfully submitted,
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December 29, 2021

Bell, Pollyana (Polly)

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Sent: Wednesday, December 29, 2021 2:19 PM
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Cc: Hines, Russell; Justman, Aimee
Subject: Delaney v. First Financial - Appellate Case No. 2021-001443
Attachments: Delaney v. First Financial of Charleston -- Mot. for Ext. re Memo re Appealability.pdf

Enclosed please find Appellant's Motion for Extension of Time to File/Serve Memorandum Addressing the Issue of Appealability which will be filed today with the Court of Appeals.

Thank you,

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