

**RECEIVED**

**Jan 05 2022**

**SC Court of Appeals**

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

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Appeal from Horry County  
Court of Common Pleas

William H. Seals Jr., Circuit Court Judge

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Case No. 2015-CP-26-05573  
Appellate Case No. 2018-002009

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K.A. Diehl and Associates, Inc.,

Respondent,

v.

James Perkins, Colleen Franke a/k/a Colleen Franke Perkins,  
Mark Dos Santos, William Moore, Steven Dame  
and Errol Dos Santos,

Defendants,

Of whom Mark Dos Santos is the

Appellant.

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**APPELLANT'S MOTION FOR EXTENSION OF TIME  
TO FILE/SERVE PETITION FOR REHEARING**

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CLEMENT RIVERS, LLP  
D. Jay Davis Jr. (SC Bar No. 12084)  
Russell G. Hines (SC Bar No. 72100)  
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(843) 577-4000

*Attorneys for Appellant*

NOW COMES Appellant, Mark dos Santos, by and through his undersigned counsel, pursuant to Rule 263(b), SCACR (providing that the Court may extend the time prescribed by the South Carolina Appellate Court Rules 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 an extension of fifteen (15) days' time, i.e., from tomorrow, Thursday, January 6, 2022, to Friday, January 21, 2022, to file/serve a petition for rehearing in this matter.

The Court filed/served its opinion in this appeal on Wednesday, December 22, 2021, affirming the trial court as modified. Accordingly, the current deadline for Appellant to petition for rehearing is tomorrow, Thursday, January 6, 2022, pursuant to Rule 221(a), SCACR ("Petitions for rehearing must be actually received by the appellate court no later than fifteen (15) days after the filing of the opinion, order, judgment, or decree of the court.").

Because of work-related and other time commitments, including especially those relating to/occasioned by the recent holiday season, the undersigned requests that the Court extend the time for Appellant to file/serve a petition for rehearing by fifteen (15) days from tomorrow, i.e., to extend the deadline from tomorrow, Thursday, January 6, 2022, to Friday, January 21, 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 him fifteen (15) additional days' time to file/serve a petition for rehearing. If the requested extension is granted, the new deadline for Appellant to petition for rehearing will be Friday, January 21, 2022, according to the undersigned's calculations. *See* Rule 263(a) (regarding computation of time). Additionally, Appellant asks that the Court hold the deadline to petition for rehearing in abeyance until it rules upon this motion.

Respectfully submitted,  
CLEMENT RIVERS, LLP

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Charleston, South Carolina

January 5, 2021

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Mark Dos Santos, William Moore, Steven Dame  
and Errol Dos Santos,

Defendants,

Of whom Mark Dos Santos is the

Appellant.

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**PROOF OF SERVICE**

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*Attorneys for Appellant*

I, Russell G. Hines, of Clement Rivers, LLP, attorney for Appellant, hereby certify that **APPELLANT’S MOTION FOR EXTENSION OF TIME TO FILE/SERVE PETITION FOR REHEARING** was served on Respondent on January 5, 2022, via email (see attached) to Respondent’s counsel of record:

Henrietta U. Golding, Esquire  
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*K.A. Diehl and Associates, Inc.*

Respectfully submitted,  
CLEMENT RIVERS, LLP

By: s/Russell G. Hines  
Russell G. Hines (SC Bar No. 72100)  
*Attorneys for Appellant*

Charleston, South Carolina

January 5, 2022

## Hines, Russell

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**From:** Hines, Russell  
**Sent:** Wednesday, January 5, 2022 9:51 AM  
**To:** 'Golding, Henrietta'; 'Thompson, Alicia'  
**Cc:** Davis, Jay; Bell, Pollyana (Polly); 'Voegel, Taylor'; 'Evans, Sheila'; Justman, Aimee  
**Subject:** K.A. Diehl v. Perkins (Appellate Case No. 2018-002009) -- Appellant's Motion for Extension of Time to Petition for Rehearing  
**Attachments:** K.A. Diehl v. Perkins (2018-002009) -- Mot. for Ext. re Petition for Rehearing.pdf

Attached regarding the above-referenced matter please find **Appellant's Motion for Extension of Time to File/Serve Petition for Rehearing**.

Russell G. Hines  
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