

RECEIVED

Jan 05 2022

SC Court of Appeals

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

Appeal from Horry County
Court of Common Pleas

William H. Seals Jr., Circuit Court Judge

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

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.

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

CLEMENT RIVERS, LLP
D. Jay Davis Jr. (SC Bar No. 12084)
Russell G. Hines (SC Bar No. 72100)
25 Calhoun Street, Suite 400
Charleston, South Carolina 29401
P.O. Box 993 (29402)
(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

By: s/Russell G. Hines
D. Jay Davis Jr. (SC Bar No. 12084)
Russell G. Hines (SC Bar No. 72100)
25 Calhoun Street, Suite 400
Charleston, South Carolina 29401
P.O. Box 993 (29402)
(843) 577-4000
Attorneys for Appellant

Charleston, South Carolina

January 5, 2022