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**Jan 05 2022**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM YORK COUNTY  
In The Circuit Court

Teasa K. Weaver, Circuit Court Judge

Appellate Case No. 2021-001081

ROBERT H. SARN,

Appellant,

v.

JAMES C. RHEA, III,  
CITY ELECTRIC SUPPLY COMPANY, and  
TÄSCHNER TEXTILE INDUSTRIES, LLC,

of whom

JAMES C. RHEA, III, and  
CITY ELECTRIC SUPPLY COMPANY are the

Respondents.

MOTION FOR EXTENSION OF TIME  
or TO FILE OUTSIDE TIME

Pursuant to Rule 240, S.C.A.C.R., the Appellant, by his counsel undersigned, moves this Court for an order granting an extension of time to submit the Appellant's Initial Brief and Designation of Matter to Be Included in the Record on Appeal, or to file outside time, on the grounds stated below:

1. The Letter of the Clerk dated December 20, 2021 requires a response as to the state of the transcripts requested, as required by Rule 207, S.C.A.C.R.
2. The final transcript, for the Rule 59 Hearing, was requested pursuant to the Court's allowance of a delay, and received in early November, as best can be determined.

3. The reception of the Transcript was not noted on counsel's calendar. He attributes this lack to his secretary's absence for the greater part of two months due to hospital and medical leave.
  
4. With apologies to this Court, it is submitted that no prejudice has been worked to the Respondent or his counsel by this oversight. The Appellant respectfully requests that the Appellant be allowed an extension of time for ten (10) days in which to submit the Appellant's Initial Brief and Designation of Matter to Be Included in the Record on Appeal, or the right to file the same outside time.

The basis of this Motion is the within-cited Rules, the records of this appeal, which items are hereby incorporated in this Motion.

WHEREFORE, the Appellant herein moves this Court move this Court for an order allowing an extension of time for ten (10) days in which to submit the Appellant's Initial Brief and Designation of Matter to Be Included in the Record on Appeal, or the right to file the same outside time.

January 5, 2022

/s/ \_\_\_\_\_  
John Martin Foster  
Post Office Box 106  
Rock Hill, South Carolina 29731  
(803) 324-8100  
Attorney for Appellant

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CERTIFICATE OF SERVICE

I certify that I have served the Appellant's Motion for an extension of time, or to file late, as to his Initial Brief and Designation of Matter on the following counsel or persons of record:

Daniel J. Ballou  
J. Nathaniel Pierce  
Morton & Gettys  
Attorneys for Respondents Rhea and Täschner Textile Companies, LLC  
Post Office Box 707  
Rock Hill, S.C. 2973

by depositing the same with the United States mail, with sufficient first class postage attached, properly addressed to the clerk of the Court, and with a copy also directed to the respective last known address(es) of those attorney(s) and/or persons set out above, pursuant to Rule 262(b), S.C.A.C.R.

January 5, 2022

/s/ \_\_\_\_\_  
John Martin Foster  
Post Office Box 106  
Rock Hill, S. C. 29731-6106  
803 324-8100  
Attorney for Appellant