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Jan 13 2022

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 AMENDED MOTION FOR SECOND
(OR, ALTERNATIVELY, APPELLANT'S MOTION FOR THIRD)
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 to allow it until tomorrow, Thursday, January 13, 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, 2021.¹

As before, when the undersigned submitted the January 10th motion for an extension,² the Court's order of January 4, 2022, states the deadline for Appellant's Appealability Memorandum as Monday, January 10, 2022. And as before, it is because of work-related and other time commitments, together with the magnitude both of the issue at hand (appealability) and of the task of properly addressing it (not only in terms of preparing the Appealability Memorandum itself but also in

¹ Given the pendency of Appellant's motion (of January 10th) for an extension of this deadline to today (January 12th), which motion, to the best of the undersigned's knowledge, has not as yet been acted on by the Court, the undersigned requests that the Court grant the relief requested herein (i.e., to allow Appellant until January 13th to file/serve its Appealability Memorandum) either by treating the instant filing as amending the pending motion to request an extension to January 13th or, alternatively, treating it as a standalone motion for an extension to January 13th, whichever is procedurally proper.

² Please know that in making the January 10th motion for a 2-day extension, the undersigned endeavored to request as little additional time as practicable, believing in good faith that the extension sought would enable him to complete the task at hand.

terms of assembling the record materials to accompany it³) that the undersigned seeks the relief requested herein, again submitting most respectfully that the Court's grant of the same is consistent with the interests of justice and will not result in any undue prejudice or delay—and with assurances to the Court that no further extension of the subject deadline will be requested.

Wherefore, Appellant moves this Honorable Court to allow it until tomorrow, Thursday, January 13, 2022, to file/serve its Appealability Memorandum. Additionally, Appellant asks that the Court hold this deadline in abeyance until it rules upon this motion.

<SIGNED ON THE FOLLOWING PAGE>

³ See Rule 240(c)(3), SCACR (providing that “[w]here the Record on Appeal . . . has not been filed, . . . the parties shall file affidavits and other documents in support of their positions).

Respectfully submitted,
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January 12, 2022

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Appellant.

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Additional Counsel for Appellant

I, Russell G. Hines, of Clement Rivers, LLP, attorneys for Appellant, hereby certify that **APPELLANT’S AMENDED MOTION FOR SECOND (OR, ALTERNATIVELY, APPELLANT’S MOTION FOR THIRD) EXTENSION OF TIME TO FILE/SERVE MEMORANDUM ADDRESSING THE ISSUE OF APPEALABILITY** was served on all parties to this matter on January 12, 2022, 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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January 12, 2022

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Cc: [Justman, Aimee](#); [Bell, Pollyana \(Polly\)](#); "[Brown, Steve](#)"
Subject: Delaney v. First Financial (Appellate Case No. 2021-001443) -- Appellant's Motion for 3d Extension of Time re Appealability Memorandum
Date: Wednesday, January 12, 2022 11:55:20 PM
Attachments: [image001.png](#)
[Delaney v. First Financial of Charleston -- Mot. for 3d Ext. re Memo re Appealability.pdf](#)

Attached please find **Appellant's Amended Motion for Second (or, alternatively, Appellant's Motion for Third) Extension of Time to File/Serve Memorandum Addressing the Issue of Appealability** in the above-referenced matter.

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