

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

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Jan 10 2022

SC 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 SECOND EXTENSION OF TIME
TO FILE/SERVE MEMORANDUM
ADDRESSING THE ISSUE OF APPEALABILITY**

CLEMENT RIVERS, LLP
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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 an additional extension of two (2) days' time, i.e., an extension from today, Monday, January 10, 2022, to Wednesday, January 12, 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.

Pursuant to the Court's order of January 4, 2022, Appellant's Appealability Memorandum is due today, Monday, January 10, 2022. 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 terms of assembling the record materials to accompany it¹), the undersigned requests that the Court extend the time for Appellant to file/serve its Appealability Memorandum by two (2) more days, i.e., to extend the deadline from today, Monday, January 10, 2022, to Wednesday, January 12, 2022. Most respectfully, the undersigned submits that the

¹ 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).

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 two (2) additional days' 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 12, 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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January 10, 2022

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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 SECOND EXTENSION OF TIME TO FILE/SERVE MEMORANDUM ADDRESSING THE ISSUE OF APPEALABILITY** was served on all parties to this matter on January 10, 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 10, 2022

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Subject: Delaney v. First Financial (Appellate Case No. 2021-001443) -- Appellant's Motion for 2d Extension of Time re Appealability Memorandum
Date: Monday, January 10, 2022 10:26:23 PM
Attachments: [image001.png](#)
[Delaney v. First Financial of Charleston -- Mot. for 2d Ext. re Memo re Appealability.pdf](#)

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

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