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Jan 19 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 SECOND 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)
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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 a second extension of fifteen (15) days' time, i.e., an extension of time from Friday, January 21, 2022 (the current deadline), to Monday, February 7, 2022,¹ 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 original deadline for Appellant to petition for rehearing was 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.”).

By order filed January 6, 2022, in response to Appellant’s first motion for an extension of the subject deadline (filed January 5, 2022), the Court extended the

¹ See Rule 263(a) (“In computing any period of time prescribed or allowed by these Rules, by order of court, or by any applicable statute, the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday or a state or federal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor such holiday.”)

time for serving and filing the petition for rehearing until Friday, January 21, 2022, which is the current deadline.

Because of work-related and other time commitments, including those relating to/occasioned by longstanding family travel plans, the undersigned requests that the Court extend the time for Appellant to file/serve a petition for rehearing by fifteen (15) days from Friday, January 21, 2022, i.e., to extend the deadline from Friday, January 21, 2022, to Monday, February 7, 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 Monday, February 7, 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.

<SIGNED ON THE FOLLOWING PAGE>

Respectfully submitted,
CLEMENT RIVERS, LLP

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Mark Dos Santos, William Moore, Steven Dame
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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 SECOND EXTENSION OF TIME TO FILE/SERVE PETITION FOR REHEARING** was served on Respondent on January 19, 2022, via email (see attached) to Respondent's counsel of record:

Henrietta U. Golding, Esquire
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Myrtle Beach, SC 29578
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K.A. Diehl and Associates, Inc.

Respectfully submitted,
CLEMENT RIVERS, LLP

By: s/Russell G. Hines
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Attorneys for Appellant

Charleston, South Carolina

January 19, 2022

Bell, Pollyana (Polly)

From: Bell, Pollyana (Polly)
Sent: Wednesday, January 19, 2022 12:49 PM
To: Golding, Henrietta; Thompson, Alicia
Cc: Davis, Jay; Voegel, Taylor; Evans, Sheila; Justman, Aimee; Hines, Russell
Subject: K.A. Diehl v. Perkins - Appellate Case No. 2018-002009
Attachments: K.A. Diehl v. Perkins (2018-002009) -- Mot. for 2d Ext. re Petition for Rehearing.pdf

Enclosed please find Appellant's Motion for Second Extension of Time to File/Serve Petition for Rehearing in the above-referenced matter which will be filed today.

Thank you,

Pollyana Bell
Project Assistant
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