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Feb 02 2022

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY

Court of Common Pleas
The Honorable Marvin H. Dukes, III, Master in Equity

Case No. 2014-CP-07-0052
Appellate Case No. 2019-001270

Lady Beaufort, LLC & Tideland Realty, Inc.,.....*Appellants,*

v.

Hird Island Investments, Inc., Sherwood N. Fender, Addison D. Fender, Martha B. Fender,
William B. Bowen, Lady Kemmerlin, LLC, Brickyard Holdings, Inc., and A&K Holding Co.,
LLC, Defendants,

And

William M. Bowen, Third-Party Plaintiff,

v.

James S. Kerr and Matt Trumps, Third-Party Defendants,

Of Which Hird Island Investments, Inc. and Sherwood N. Fender are the Respondents.

AND

Case No. 2014-CP-07-0052
Appellate Case No. 2018-001969

Lady Beaufort, LLC & Tideland Realty, Inc.,..... *Respondents/Appellants,*

v.

Hird Island Investments, Inc., Sherwood N. Fender, Addison D. Fender, Martha B. Fender,
William B. Bowen, Lady Kemmerlin, LLC, Brickyard Holdings, Inc., and A&K Holding Co.,
LLC, Defendants,

AND

William M. Bowen, Third-Party Plaintiff,

v.

James S. Kerr and Matt Trumps, Third-Party Defendants,

Of Which Hird Island Investments, Inc. and Sherwood N. Fender are the Appellants/Respondents.

CONSENT MOTION FOR CONTINUANCE OF ORAL ARGUMENT

COME NOW the above-named Appellants, pursuant to Rules 240 and 263(b), SCACR, and with the consent of counsel for Respondents, moving this Court for an Order continuing oral argument currently scheduled March 8, 2022.

Counsel received the Court's November 9, 2021 notice regarding the potential of oral argument taking place in March 2022. However, in January 2022, having not received Notice of Oral Argument and therefore believing the case had not been chosen for argument in March, counsel for Appellants booked a family vacation from March 7-15, 2022 and obtained protection from court appearances during that time. The Notice of Oral Argument was subsequently received on February 1, 2022.

Under the circumstances, and given the complications wrought by Covid on family vacations over the last two years, counsel for Respondents (Mr. Fred Kuhn) kindly consented to this request. Mr. Kuhn indicated that he does *not* wish to forego oral arguments in favor of a ruling on the briefs, though Appellants would be amenable to such a resolution.

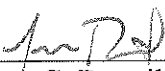
This is the first—and will be the *only*—request for a continuance by Appellants. Counsel for Appellants submits that there is good cause to allow the requested continuance, and that it will not work any undue prejudice upon any party.

[signature on following page]

Respectfully submitted,

EPTING & RANNIK, LLC

This 2nd day of February, 2022
Charleston, South Carolina



Jaan G. Rannik
46A State Street
Charleston, SC 29401
Phone: 843-377-1871
jgr@epting-law.com

ATTORNEY FOR PLAINTIFFS/APPELLANTS

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James S. Kerr and Matt Trumps, Third-Party Defendants,

Of Which Hird Island Investments, Inc. and Sherwood N. Fender are the Appellants/Respondents.

PROOF OF SERVICE

I certify that I have served Appellants Motion for Continuance of Oral Argument on opposing counsel via e-mail, on February 2, 2022, addressed to Respondents' attorneys of record as follows:

H. Fred Kuhn, Jr., Esquire
P.O. Drawer 507
Beaufort, SC 29901
fred@mossandkuhn.com

By /s/ Angela Gross
Angela Gross
Legal Assistant to Jaan G. Rannik, Esq.
EPTING & RANNIK, LLC
46A State Street, Charleston, SC 29401

Attorneys for Appellants

EXHIBIT A

Angela Gross

From: Angela Gross
Sent: Wednesday, February 2, 2022 10:08 AM
To: Fred Kuhn; William Bowen
Cc: Jaan Rannik; Sue Radford; Angela Gross
Subject: RE: Lady Beaufort / 2019-001270 & 2018-001969
Attachments: 2022 02 02 - Motion for CONTINUANCE.pdf

Dear Fred,

Attached for service please find Appellants' Motion for Continuance of Oral Argument in the above-referenced appeals which is being filed through the South Carolina Court of Appeals' AIS e-filing system on today's date.

Angela

Angela Gross
Legal Assistant to Andrew K. Epting, Jr., Esquire
Jaan G. Rannik, Esquire
EPTING & RANNIK, LLC
46A State Street
Charleston, SC 29401
Telephone: (843) 377-1871
Facsimile: (843) 377-1310
agg@epting-law.com