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Feb 07 2022

SC Court of Appeals

**THE STATE OF SOUTH CAROLINA
In the Court of Appeals**

APPEAL FROM GEORGETOWN COUNTY
Court of Common Pleas

Michael G. Nettles, Circuit Court Judge

Appellate Case No. 2021-000325

Evarista Juan Lorenzo, Appellant,

v.

Port City Elevator, Inc.; Alan Topper d/b/a All Construction; 2020 Custom Contractors a/k/a 2020 Custom Contractors, LLC; Citadel Site Management, LLC; DVBT Construction a/k/a DVBT Construction, LLC; DVBT Multiservices, LLC; Beverly Construction Group, LLC; Beverly Homes, LLC; Beverly Homebuilders, LLC; Strand Paint Contractors, LLC; Depaz Painting, LLC; Enhanced Heating & Air Conditioning, LLC; Carlton Pender, and Joan Pender, Defendants,

Of Which, Alan Topper d/b/a All Construction; Citadel Site Management, LLC; Beverly Homes, LLC; Beverly Homebuilders, LLC; Strand Paint Contractors, LLC; Depaz Painting, LLC and Enhanced Heating & Air Conditioning, LLC are the Respondents.

**MOTION FOR ENLARGEMENT OF TIME TO FILE AND SERVE INITIAL REPLY
BRIEF and/or TO FILE THE SAME OUT OF TIME**

COMES NOW the Appellant, Evarista Juan Lorenzo, by and through her below-signed counsel and pursuant to Rule 240, SCACR, and who hereby requests a thirty (30) day extension of time to file and serve her Initial Reply Brief and further requesting a corresponding extension of time to prepare the record on appeal and file and serve final briefs in this matter. In support of this motion, which is made without objection from counsel for the respondent, Appellant asserts and states as follows:

1. On January 4, 2022, Appellant received notice from the Court of the entry of an Order extending the time for Respondent to file and serve its Initial Respondent's Brief until February 3, 2022.

2. Unbeknownst to Appellant on this same day Respondents filed their initial brief. However, Respondents inadvertently did not include the below-signed on the email serving their initial brief. (*see* Jan. 4, 2022 email of service on C-Track).

3. Having only received notice (*via* Court Order) that Respondent's deadline had been extended until February 3, 2022, Appellant was neither aware that Respondent's brief had been filed, nor was Appellant expecting the same until the deadline established by the Court. It was not until Respondent's brief was not received by February 3, that Appellant contacted the Court and learned of the miscommunication.

4. Appellant asserts that through no fault of her own, the time for filing her Initial Reply Brief has expired without her appellate counsel having knowledge that such time period was running, and that in the interest of justice and fairness this deadline should be extended to permit Appellant to file and serve a Reply Brief pursuant to Rule 208, SCACR.

5. Prior to filing this motion, Appellant communicated with counsel for Respondent, and counsel for the Respondent does not oppose the instant motion.

WHEREFORE Appellant respectfully requests that this Court issue an Order granting Appellant a thirty (30) day extension of time to file and serve her Initial Reply Brief until March 9, 2022, and further ordering that preparation of the record on appeal and the service and filing of final briefs continue thereafter upon the schedule provided by the South Carolina Appellate Court Rules.

[signature on to follow]

Respectfully requested,

THURMOND KIRCHNER & TIMBES, P.A.



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APPEAL FROM GEORGETOWN COUNTY
Court of Common Pleas

Michael G. Nettles, Circuit Court Judge

Common Pleas Case No. 2018-CP-22-00824
Appellate Case No. 2021-000325

Evarista Juan Lorenzo, Appellant,

v.

Port City Elevator, Inc.; Alan Topper d/b/a All Construction; 2020 Custom Contractors a/k/a 2020 Custom Contractors, LLC; Citadel Site Management, LLC; DVBT Construction a/k/a DVBT Construction, LLC; DVBT Multiservices, LLC; Beverly Construction Group, LLC; Beverly Homes, LLC; Beverly Homebuilders, LLC; Strand Paint Contractors, LLC; Depaz Painting, LLC; Enhanced Heating & Air Conditioning, LLC; Carlton Pender, and Joan Pender, Defendants,

Of Which, Alan Topper d/b/a All Construction; Citadel Site Management, LLC; Beverly Homes, LLC; Beverly Homebuilders, LLC; Strand Paint Contractors, LLC; Depaz Painting, LLC and Enhanced Heating & Air Conditioning, LLC are the Respondents.

PROOF OF SERVICE

The undersigned certifies that she served a copy of the foregoing **Motion for Enlargement of Time to File and Serve Initial Reply Brief and/or to File the Same Out of Time** to all counsel of record on February 7, 2022, by mailing a copy of same, electronically or with proper postage affixed thereto, as follows:

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