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**Feb 04 2022**

**SC Court of Appeals**

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

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**APPEAL FROM CHARLESTON COUNTY**  
Court of Common Pleas for the Ninth Circuit

The Honorable Mikell Scarborough, Master in Equity

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Case No. 2016-CP-10-2955

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Appellate Case No. 2021-000272

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TCC of Charleston, Inc. .... *Plaintiff and Appellant/Respondent.*

v.

Concord and Cumberland, LLC, Concord & Cumberland HPR, Leo Hall, Diane Hall, Bea H. Smith, Margaret C. Pope, William D. Foster, Jr., Gene G. Foster, Mattison J. MacGillivray, Teresa MacGillivray, Pamela L. Vaughn, Nelia A. Patricio, Trustee of the Nelia A. Patricio Revocable Trust Agreement, Stuart D. Reeves, Edward T. Strom, Barbara K. Henderson, James R. Clarke, Paul A. Brim, Robert K. Seidl, Jennifer M. Seidl, Robert Kenneth Seidl, II, M. Bert Storey, Thomas R. Mather, Edward T. Strom, 304 Concord & Cumberland, LLC, Marion M. Simpson f/k/a Marion Moore McDonald Simpson, Kathy Gardner, Gregory J. Gardner, Freeman Waterfront Properties, LLC, Jo-Ann Cooper, Betty Y. Segal, Robert M. Levin, and Bonita K. Levin, Donald D. Leonard, Betty L. Beatty, Mattellen, LLC, and Thomas R. Debnam, Trustee of the Trust Agreement of Thomas R. Debnam,.....*Defendants and Respondents/Appellants*

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**MOTION TO FILE OUT OF TIME AND  
FOR AN EXTENSION OF TIME**

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Appellant/Respondent TCC of Charleston, Inc. (“TCC”) respectfully moves for leave to serve and file its Final Response Brief of Appellant/Respondent in this matter out of time and for an order granting an extension of time. The grounds for this motion are as follows:

TCC timely filed and served its Initial Response Brief as Respondent on June 9, 2021. TCC's final briefs (Brief and Reply as Appellant, Opposition Brief as Respondent) and the Record on Appeal were due to be filed served on or before December 16, 2021; but, due to an administrative oversight related to year-end and the numerous filings in this matter, the Final Response Brief as Respondent was not filed and served on that date.<sup>1</sup>

Having been alerted to this oversight, the undersigned respectfully requests, hat in hand, leave on behalf of TCC to serve and file the Final Response Brief of Appellant/Respondent in this matter out of time.<sup>2</sup> This motion is made upon the ground that the relief requested (i) would be in the best interest of justice, as the Courts of this State prefer to decide matters on their substance rather than on procedure, and (ii) would not prejudice any party, as the brief complies with Rule 211(b) and as the corresponding Initial Brief was timely served and filed.

For these reasons, and because this request is made in good faith, TCC respectfully requests leave to file out of time.

**Respectfully submitted,**

**EPTING & RANNIK**

/s/ Jaan Rannik  
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*ATTORNEY FOR APPELLANT/RESPONDENT*

This 4<sup>th</sup> day of February, 2022  
Charleston, S.C.

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<sup>1</sup> Respondents/Appellants Concord & Cumberland HPR ("the HPR") filed served its Final Briefs on December 29, 2021. As TCC's Final Brief as Respondent brief cited to the HPR's Brief as Appellant, TCC updated that citation on December 30, 2021 after receiving Respondent's final briefs.

<sup>2</sup> The Brief was filed and served on February 3, 2022, with the bound copies to be sent to the Court via FedEx today, February 4.

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**PROOF OF SERVICE**

I certify that I have served the Appellant/Respondent TCC of Charleston, Inc.’s Motion to File Out of Time and For an Extension of Time on February 4, 2022, addressed to Respondents’ counsel of record.

Edward D. Buckley, Esquire - [ebuckley@ycrllaw.com](mailto:ebuckley@ycrllaw.com)

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Henry Grimball, Esquire - [Henry.Grimball@wbd-us.com](mailto:Henry.Grimball@wbd-us.com)

A copy of the e-mail is attached to this Proof of Service as Exhibit A.

February 4, 2022  
Charleston, South Carolina

**EPTING & RANNIK, LLC**

/s/ Angela Gross\_\_\_\_\_

Angela Gross

Legal Assistant to Jaan G. Rannik

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# EXHIBIT A

## Angela Gross

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**From:** Angela Gross  
**Sent:** Friday, February 4, 2022 10:25 AM  
**To:** Ford, Cordes; Henry Grimball  
**Cc:** Walden, Andrew; Ed Buckley; rhines@ycrlaw.com; Casey, Carol; Shannon, William Cole; Jaan Rannik  
**Subject:** TCC of Charleston, Inc. v. Concord & Cumberland HPR-Appellate Case No. 2021-000272  
**Attachments:** 2022 02 04 - Motion to File Out of Time((TCC v Concord - 21-000272).pdf

Counselors:

Attached for service please find Appellant/Respondent TCC of Charleston, Inc.'s Motion to File Out of Time and for an Extension of Time which will be uploaded to the Court's AIS e-filing system.

With kindest regards,

*Angela*

Angela Gross  
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