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Feb 28 2022

SC Court of Appeals

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

APPEAL FROM BERKELEY COUNTY
Court of Common Pleas

The Honorable Roger M. Young, Circuit Court Judge

Case No. 2020-CP-08-00718

Bethany Aloha Rich, Appellant,

v.

New Heights Property Management, Respondent.

MOTION FOR EXTENSION OF TIME TO SERVE RECORD ON APPEAL

Appellant hereby moves pursuant to Rule 263(b), SCACR, for permission to serve the Record on Appeal outside of the filing deadlines set by Rule 210 of the South Carolina Appellate Court Rules.

Appellant served its initial brief and Designation of Matter to be Included in the Record on Appeal on June 30, 2021. Respondent served its initial brief and Designation of Matter to be Included in the Record on Appeal on August 27, 2021. During approximately the same time, Respondent sought and ultimately obtained a dissolution of the stay of execution from the Court of Common Pleas in the underlying matter. On August 26, 2021, immediately prior to serving its initial brief, Respondent moved this Court to dismiss this action on the same grounds that it obtained the dissolution of the stay of execution below. Appellant opposed that Motion and this Court denied the Motion by Order dated November 2, 2021.

On September 7, 2021, Appellant sought an extension of time to file its Reply Brief, due to the Appellant's pending Motion to Dismiss. By letter dated September 10, 2021, the parties were notified that the appeal was being held in abeyance due to the pending motion to dismiss and that no further action would be taken on the Motion for Extension of Time. *See Exhibit A.*

Appellant's counsel interpreted this to mean that Appellant's Motion for an Extension of Time would be revisited upon the denial of the Motion to Dismiss. Appellant's counsel admits that this interpretation was in error. Appellant therefore requests an extension of time to serve the Record on Appeal, which is being served simultaneously with the filing of this Motion.

. Appellant's counsel believes that there is good cause to grant the requested extension to serve the Record on Appeal to February 28, 2022.

WHEREFORE, the Appellant prays that this Court enter an order permitting Appellant to serve the Record on Appeal outside of the filing deadlines see by Rule 210 of the South Carolina Appellant Court Rules and for such further relief as this Court deems just and proper.

Respectfully submitted,

/s/ Jeffrey W. Kuykendall _____
Jeffrey W. Kuykendall – Attorney at Law
S.C. Bar No. 102538
127 King St., Ste. 208
Charleston, SC 29401
Phone: (843) 790-5182
Facsimile: (866) 733-1909
Jwkuykendall@jwklegal.com
Attorney for Appellant

At Charleston, South Carolina
This the 28th day of February, 2022.



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
CHIEF DEPUTY CLERK

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September 09, 2021

Mr. Jeffrey William Kuykendall, Esquire
127 King St.
Ste. 208
Charleston SC 29401

Re: Bethany Aloha Rich v. New Heights Property Management
Appellate Case No. 2020-001684

Dear Counsel,

Please be advised that this appeal is currently held in abeyance due to the pending motion to dismiss. Therefore, no further action will be taken on your motion for an extension of time.

Very truly yours,

V. Claire Allen

CLERK

cc: Scott Parker Riddell, Esquire

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PROOF OF SERVICE

The undersigned hereby certifies that he served counsel for the Respondents, New Heights Property Management, through its attorney, Scott Parker Riddell, with copies of the Motion for Extension of Time to Serve Record on Appeal and the Record on Appeal, emailing a copy to counsel for Respondent at the primary email address listed for counsel in the South Carolina Attorney Information System (AIS):

Scott.Riddell.Law@gmail.com

A copy of the email is attached to this Proof of Service as *Exhibit A*.

Respectfully,

/s/ Jeffrey W. Kuykendall _____
Jeffrey W. Kuykendall

At Charleston, SC

This the 28th day of February, 2022.



Jeffrey Kuykendall <jwkuykendall@jwklegal.com>

Rich v. New Heights - Motion for Extension of Time to Serve Record on Appeal and Record on Appeal

1 message

Jeffrey Kuykendall <JWKuykendall@jwklegal.com>
To: Scott Riddell <scott.riddell.law@gmail.com>

Mon, Feb 28, 2022 at 9:57 PM

Please find attached the Appellant's Motion for Extension of Time to Serve Record on Appeal and the Record on Appeal in the above-captioned matter.

Sincerely,

Jeffrey W. Kuykendall

Attorney at Law

127 King St., Ste. 208

Charleston, SC 29401


843.790.5182 (direct)


866.733.1909 (facsimile)


[Jwkuykendall@jwklegal.com](mailto:jwkuykendall@jwklegal.com)

Confidentiality Disclaimer: This email and any attachments are private communications sent by an attorney, and may contain confidential or legally privileged information meant solely for the intended recipient. If you are not the intended recipient, please notify the sender and delete this email. Thanks.

3 attachments

 **Motion for Extension of Time to Serve Record on Appeal.pdf**
285K

 **Rich - Exhibit A to Motion for Extension of Time to Serve Record on Appeal.pdf**
250K

 **Rich - Record on Appeal.pdf**
4613K