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May 02 2022

SC Court of Appeals

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

Appeal from Horry County
Court of Common Pleas

William H. Seals, Jr., Circuit Court Judge

Case No. 2015-CP-26-05573
Appellate Case No. 2022-000498
Unpublished Opinion No. 2021-UP-454, (S.C. Ct. App. filed Dec. 22, 2021)

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

Petitioner.

**MOTION FOR EXTENSION OF TIME
TO SERVE/FILE PETITION FOR WRIT OF CERTIORARI**

CLEMENT RIVERS, LLP
D. Jay Davis Jr. (SC Bar No. 12084)
Russell G. Hines (SC Bar No. 72100)
25 Calhoun Street, Suite 400
Charleston, South Carolina 29401
P.O. Box 993 (29402)
(843) 577-4000

Attorneys for Petitioner

NOW COMES Petitioner, Mark Dos Santos, by and through his undersigned counsel, on the grounds stated below, pursuant to Rule 263(b), SCACR, as well as the Court's order of July 16, 2014, regarding Extensions in Cases Seeking a Petition for a Writ of Certiorari to Review a Decision of the South Carolina Court of Appeals, and hereby moves for a second extension of ten (10) days' time to file/serve his petition to this Court for issuance of a writ of certiorari to the Court of Appeals to review its decision in this matter.

Presently, by order of this Court dated April 22, 2022, the deadline for the petition for writ of certiorari is May 2, 2022. Due to other time commitments, both work- and non-work-related, the undersigned counsel for Petitioner requests ten (10) additional days, beyond today's date, to prepare Petitioner's petition seeking this Court's review of the Court of Appeals' decision via writ of certiorari, and the undersigned humbly submits that there is good cause to allow the requested dispensation: It is in furtherance of the interests of justice; it will not work any undue prejudice upon any other party; and it is consistent with the extension protocol established by the Court's aforementioned order of July 16, 2014.

WHEREFORE, Petitioner respectfully requests that this Honorable Court grant him an extension of ten (10) days' time to file/serve his petition for writ of certiorari. With the extension requested herein, the new deadline for filing/serving his petition for writ of certiorari would be May 12, 2022, according to the

undersigned's calculations. Further, Petitioner respectfully requests that the Court hold his present deadline in abeyance until it acts upon this motion.

Respectfully submitted,
CLEMENT RIVERS, LLP

By: *s/Russell G. Hines*
D. Jay Davis Jr. (SC Bar No. 12084)
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Charleston, South Carolina

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Petitioner.

PROOF OF SERVICE

CLEMENT RIVERS, LLP
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Attorneys for Petitioner

I, Russell G. Hines, of Clement Rivers, LLP, attorneys for Petitioner, hereby certify that Petitioner's **MOTION FOR EXTENSION OF TIME TO SERVE/FILE PETITION FOR WRIT OF CERTIORARI** was served on all other parties to this appeal on May 2, 2022, via email (see attached) to their following counsel of record:

Henrietta U. Golding, Esquire
hgolding@burr.com
Burr & Forman, LLP
P.O. Box 336
Myrtle Beach, SC 29578

and

James K. Gilliam
jgilliam@burr.com
Burr & Forman, LLP
104 South Main Street, Suite 700
Greenville, SC 29601

*Attorneys for Respondent
K.A. Diehl and Associates, Inc.*

I also certify that Petitioner's **MOTION FOR EXTENSION OF TIME TO SERVE/FILE PETITION FOR WRIT OF CERTIORARI** and **PROOF OF SERVICE** was filed with the South Carolina Court of Appeals on May 2, 2022, via email (see attached) to ctappfilings@sccourts.org.

Respectfully submitted,
CLEMENT RIVERS, LLP

By: s/Russell G. Hines
Russell G. Hines (SC Bar No. 72100)
Attorneys for Petitioner

Charleston, South Carolina

May 2, 2022

Bell, Pollyana (Polly)

From: Bell, Pollyana (Polly)
Sent: Monday, May 2, 2022 3:02 PM
To: 'Golding, Henrietta'; 'jgilliam@burr.com'
Cc: Hines, Russell; Justman, Aimee
Subject: K.A. Diehl v. Dos Santos (Ct. App. Case No. 2018-002009 / Sup. Ct. Case No. 2022-000498)
Attachments: Mtn for Ext for Petition for Writ of Certiorari.pdf

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

Thank you,

Pollyana Bell
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