

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

68397

APPEAL FROM GEORGETOWN COUNTY
Court Of Common Pleas

Larry B. Hyman, Jr., Circuit Court Judge

RECEIVED

MAY 16 2013

Case No: 2009-CP-22-01655

SC Court of Appeals

Appellant Case No. 2012-213634

Richard A. Fisher, Platte B. Moring, Jr., Trustee of the Platte B. Moring, Jr. Living Trust dated March 13, 2001; Marianne Kochanski, and Jim H. Markley, III, Individually, and in a Representative Capacity on Behalf of All Persons Similarly Situated Who Own Units in Buildings C and D of the Shipyard Village Horizontal Property Regime; Robert A. Wright, Mary Beth C. Wright, H. Allen Wright, Joyce Y. Wright and Carolyn L. Wright; Carmen J. Savoca, Ann D. Savoca, William John Savoca and Donna S. Strom; James T. Hunter and Mary D. Hunter; Dwain C. Andrews; WWS, LLC, a South Carolina Limited Liability Company; Donald L. Henson and Sandra L. Henson; Allen M. Funk; Norman J. Rish and Mary T. Rish; Angela M. Markley; Walter C. Worsham and Carolyn W. Worsham; Enrico S. Piraino and Giusto Piraino; Otis T. Harrison and Rose C. Harrison; James E. Newman, Jr.; Brenda E. Fisher and Joseph R. Canning and Kathleen B. Canning; James D. Reynolds, Jr.; Fuller Family, LLC; Richard T. White and Rory L. White; Propst and Dawson, LLC; Litchfield Quarters, LLC, and Larry O. Snider and Paula D. Snider; William C. Hammond, Jr., Living Trust and the Shawn S. Hammond Living Trust; GAB IV, LLC, a Virginia Limited Liability Company; Robert C. McBride and Susan R. McBride, Trustees of the Robert C. McBride Family Trust u/d/t July 24, 2008, and Susan R. McBride and Robert C. McBride, Trustees of the Susan R. McBride Family Trust u/d/t/ July 24, 2008; Evelyn J. Valuska; Barbara W. Beymer; Montrose Associates, LLC; Harry L. Belk and Jan C. Belk; Dennis E. Barrett and Wilma J. Barrett; First Family Properties, Inc., Cynthia L. Jones, Sandra D. Huggins and Margaret S. Dover, Thomas Franklin Huggins, Frank S. Krouse and Barbara T. Krouse, Judith W. Mill, William Mill and Susan Mill, Gene R. Riley and Patricia C. Riley, Harold LeMaster and Patti LeMaster; Joseph P. Heaton and Frances H. Heaton; Robert N. Kelly; H. S. Keeter and Sandra C. Keeter; Brian R. Nisbet Trust Agreement dated November 16, 1998 and Mary M. Nisbet Trustee of the Mary M. Nisbet Trust Agreement dated November 16, 1998; Dorothy Jean Foster; Captains Quarters D-24 Association of Owners, Inc., Michael H.

Sanders and Rebecca H. Sanders, Ruth Gray Wheliss, David B. Shivell and Nicki M. Shivell, Debra B. Leeke, Joseph Alan Capobianco and Lara Serro, Sharon Gibson Daniel, Gary C. Andes and Andrea W. Andes, Jay Hendler and Laura Hendler, Joy P. McConnell, Charles W. Fortner, Judith C. Woodson, Warren W. Riggs and Charles G. Martin, Riggs Ventures, LLC, and SGS Beach Partners, LLC; Morgan I. Mann and Angela M. Mann; Michael Cameron Foster, Sr. and Laura Lee Foster; Captains Quarters Unit D-31 Association of Multiple Ownerships, Inc., Evelyn Gail Earnest, Francis G. Thomson and Arleen S. Thomson, Robert W. Dalton, Red Oak Limited Partnership, William R. McKeown and Margaret A. McKeown, Norman K. Moon and Barbara W. Moon, David T. McGill and Carol G. McGill, Rick L. Bledsoe and Susan H. Bledsoe, Geoffrey A. Wienke and Pamela L. Wienke, A. Donald Ross, III and Nancy Kay Ross, Dennis J. Straw and Roxanne B. Straw, and Resort Investments of Litchfield, LLC; Georgia M. Pruitt and Howard M. Pruitt, Jr., Jean T. Blaylock; William C. Covington, Jr. and Donna C. Covington; Litchfield Captain's Quarters, LLC; James A. Schubert and Laraine C. Schubert; Daniel P. Duvall and Mary Lynn Duvall; Victor A. Medina and Melinda Leigh Medina; Judy P. Hamer, Boyce F. Miller and Carole L. Miller, Raymond A. Shingler and Louise O. Shingler, Paul Larry Barnette and Carol Jane Barnette, James R. Walker and Erika T. Walker, Kathy W. Underwood, Andrew J. Wingo, Jr. and Susan A. Wingo, Melanie S. Franklin, Lois E. Cooley, Trustee of the Lois E. Cooley Living Trust, B. Lee Smith and Margaret H. Smith, Jason A. Underwood, and Camilla J. Wilson; Stewart South, LLC; Quarter South, LLC; Steven H. Frame and Kay B. Frame, . . . Respondents,

V.

Shipyards Village Council of Co-Owners, Inc. Appellant.

Shipyards Village Council of Co-Owners, Inc. Third-Party Plaintiff,

V.

Cincinnati Insurance Company, Travelers Insurance Company, Companion Property & Casualty Insurance Company, Philadelphia Insurance Company, Zurich American Insurance Company, American Guarantee and Liability Ins. Co., St. Paul Fire and Marine Insurance Company, and Illinois National Insurance Company, Third-Party Defendants.

**RESPONDENTS' MOTION TO EXTEND THE LENGTH
OF ITS INITIAL BRIEF TO SIXTY (60) PAGES**

TO: THE COURT AND COUNSEL FOR ALL PARTIES:

PLEASE TAKE NOTICE that, pursuant to Rule 240(a), SCACR, Respondents Richard A. Fisher, Platte B. Moring, Jr., Marianne Kochanski, and Jim H. Markley, III, et al, by and through their undersigned counsel, Howell V. Bellamy, Jr. and Howell V. Bellamy, III, hereby respectfully move this Court for an extension of length of the Respondents' Initial Brief to sixty (60) pages.¹

Appellant's Initial Brief was mailed on **February 28, 2013**, and received by Respondents' Counsel on **March 4, 2013**. The deadline for submission of the Respondents' Initial Brief and Designation of Matter to be Included in the Record of Appeal is **May 30, 2013**. The basis for this motion is as follows:

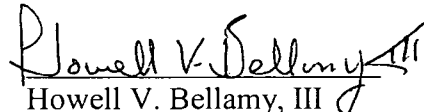
This request for an extension of length of Respondents' Initial brief to sixty (60) pages is based on the following reasons. First, in responding to Appellant's Initial Brief, Respondents' Counsel anticipates the need for additional length in order to adequately address Appellant's contention that it has no duty to inquire which Respondents contend may not have been adequately raised by previous counsel of record at the initial and subsequent motion hearings held on May 21, 2012 and November 15, 2012, respectively, or even specifically addressed in Appellant's Motion and Memorandum attached to its Notice of

¹Rule 208(5), SCACR(5) (*Length of Briefs*) limits principal briefs to fifty (50) pages.

Motion and Motion to Reconsider pursuant to Rule 59(e) SCRPC filed on June 6, 2012. Second, Respondents' Counsel will need additional length to properly address and incorporate some of the one hundred Seventeen (117) exhibits (that were made a part of the Record on Appeal at motion hearing on May 22, 2012 by the consent of the parties) in response to Appellant's business judgment rule defense. In, further, support of this motion, we have contacted Appellant's counsel, Carlyle R. Cromer, and he does not oppose our request for an extension of length of Respondents' Initial brief to sixty (60) pages.

WHEREFORE, Respondents respectfully move this Court for a request to extend the length of their Initial Brief to sixty (60) pages pursuant to Rule 240 (a) SCACR based on the foregoing reasons. The Respondents respectfully request that all other deadlines be held in abeyance pending the Court's approval of this extension of length of their Initial Brief.

Respectfully submitted,



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Attorneys for the Respondents

Myrtle Beach, S. C. 29577
May 14, 2013

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GEORGETOWN COUNTY
Court Of Common Pleas

Larry B. Hyman, Jr., Circuit Court Judge

Case No: 2009-CP-22-01655

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Cincinnati Insurance Company, Travelers Insurance Company, Companion Property & Casualty Insurance Company, Philadelphia Insurance Company, Zurich American Insurance Company, American Guarantee and Liability Ins. Co., St. Paul Fire and Marine Insurance Company, and Illinois National Insurance Company, Third-Party Defendants.

**PROOF OF SERVICE OF
RESPONDENTS' MOTION TO EXTEND THE LENGTH
OF ITS INITIAL BRIEF TO SIXTY (60) PAGES**

I certify that I have served Respondents' Motion to Extend the Length of Its Initial Brief to Sixty (60) Pages on the Appellants by depositing a copy of it in the United States Mail, postage prepaid, on May 15, 2013, address to their attorneys of record at the address listed below.

Carlyle R. Cromer, Esquire
Wayne Byrd, Esquire
Turner Padgett Graham & Laney P.A.
P. O. Box 2116
Myrtle Beach, S. C. 29578


Lynn R. Hearl

Myrtle Beach, S. C. 29577
May 15, 2013

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SC Court of Appeals

**BELLAMY, RUTENBERG, COPELAND,
EPPS, GRAVELY & BOWERS, P. A.**

HOWELL V. BELLAMY, JR.
JOHN K. RUTENBERG (1939-2012)
JOHN E. COPELAND
CLAUDE M. EPPS, JR. ****
DAVID R. GRAVELY*
EDWARD B. BOWERS, JR. *****
BRADLEY D. KING
M. EDWIN HINDS, JR.
JILL F. GRIFFITH
DAVID B. MILLER***

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HOWELL V. BELLAMY, III
ASHLEY P. MORRISON
GEORGE W. REDMAN, III**
BENJAMIN A. BAROODY**
PHILLIP H. ALBERGOTTI** *****
HAYES K. STANTON**
JAMES E. HILL, III** *****
KIERSTEN M. GORDON*****

*FELLOW OF THE AMERICAN ACADEMY OF MATRIMONIAL LAWYERS
**ALSO MEMBER OF NORTH CAROLINA BAR
***CERTIFIED MEDIATOR
****RETIRED
*****LLM TAXATION
*****MEMBER OF NC BAR ONLY

Writer's Direct Line: 843-282-5393
E-Mail: Lheart@BellamyLaw.com

May 15, 2013

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
S. C. Judicial Department
1015 Sumter Street
Columbia, South Carolina 29210

Re: Richard A. Fisher vs Shipyard Village Council of Co-Owners, Inc.
Appellate Case No. 2012-213634

Dear Ms. Kitchings:

Enclosed for filing, please find the original and seven copies of the Respondent's Motion to Extend the Length of its Initial Brief to sixty (60) pages. I am also enclosing our check No. 055138, dated May 15, 2013, for \$25.00 made payable to the Court of Appeals for filing of this matter along with a self-addressed envelope for your convenience.

As you are aware, Respondents Initial Brief is due on May 30, 2013, and we respectfully request an extension of the length of their Initial Brief to sixty (60) pages pursuant to Rule 240(a) SCACR. Further, we have contacted Appellants' Counsel, Carlyle R. Cromer, and he does not oppose our request for an extension of length of Respondents' Initial Brief to sixty (60) pages.

We are serving a copy of this letter on counsel for the Appellants. I appreciate your assistance in this matter and should you have any questions or concerns, please give us a call at 843-282-5393.

With kindest regards, I remain

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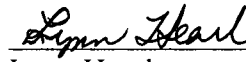
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Page 2

Sincerely,

BELLAMY, RUTENBERG, COPELAND,
EPPS, GRAVELY & BOWERS, P.A.



Lynn Hearl

Assistant to Howell V. Bellamy, III

/lh
cc: Carlyle R. Cromer, Esquire
Wayne Byrd, Esquire