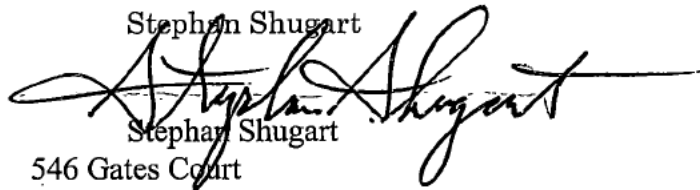


I apologize to court if my ignorance as being a pro se appellant has come into question. Finally, I ask the court not to award the Return to Motion to Extend since proof of mailing is correct and I have had reason to delay answering Mr. Barrett's original Motion to Dismiss due to the injury to my right hand.

Respectfully,

Stephan Shugart



Stephan Shugart

546 Gates Court
Philadelphia, PA 19128
(215) 509-1088
Pro Se Petitioner

*Date June 13, 22
Philadelphia, Pa*

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

JUN 21 2022

APPEAL FROM AIKEN COUNTY
Court of Common Pleas

SC Court of Appeals

Courtney Clyburn-Pope, Circuit Court Judge

Appellate Case No.: 2020-001453

Stephan Shugart,.....Appellant,

v.

Historic Hospitality, LLC, Shah Investments, LLC,
and Southern Hotel Properties, LLC,.....Respondents.

RETURN TO MOTION TO EXTEND

Pursuant to Rule 240(e), SCACR, Respondent Shah Investments, LLC (“Shah”), respectfully submits this Return in opposition to Appellant’s Motion to Extend. For the reasons set forth below, the Court should deny Appellant’s motion.

1. ~~On May 16, 2022,~~ Shah filed and served a Motion to Dismiss based on Appellant’s failure to comply with the Court’s previous Order regarding filing and service of a corrected and amended Record on Appeal.

2. Appellant has not filed a timely Return to Shah’s Motion to Dismiss. Instead, Shah has submitted a Motion to Extend. Although that document is dated ~~May 26, 2022,~~ the mailing envelope to Shah’s counsel (a copy of which is attached) indicates that the motion was actually

1 *see attached
PROOF OF mailing*

mailed on May 27, 2022. Assuming the information on the envelope is correct, the Motion to Extend would not constitute a timely response to Shah's motion under Rule 240(e), SCACR.

3. Even if the Motion to Extend is treated as an independent motion, or is deemed to be a timely response, it should nonetheless be denied. Appellant's motion is identical to a previous extension motion that Appellant filed on December 16, 2020. Indeed, the current motion seeks an extension for filing the Initial Appellant's Brief – something that happened almost a full year ago. It makes no mention at all of Shah's pending motion, let alone a response to it. Clearly, Appellant has just re-filed his previous motion.

see attached hospital report

4. Appellant's motion references unspecified ~~health-based reasons~~ for an extension being necessary. It also references an affidavit for details, although no affidavit was served or filed with this motion. An affidavit *was* included with the previous filing of this same motion back in December 2020, but even then, it did not provide any specific information. Rather, the affidavit stated only that Appellant's health has not been the best recently. Without any further information or supporting materials, that vague statement from eighteen months ago should not be sufficient to warrant any extension of time for Appellant.

5. Appellant commenced this appeal on October 26, 2020. Over a year-and-a-half has passed since then, and there is still not even a Record on Appeal that complies with the applicable rules. This is true, despite a previous Order from the Court establishing a deadline for the filing and service of the Record on Appeal – a deadline that has long since passed.

6. This Court, mindful of Appellant's pro se status, has been lenient in terms of allowing Appellant additional time. In the past, Shah has not opposed Appellant's extension requests. Now, however, Shah must oppose the request for more time. Appellant has had more than enough time to comply with the applicable rules and submit a full, complete and correct

Record on Appeal. He has simply failed to do so. Therefore, this new request for an extension should be denied.

For these reasons, Shah requests that the Court deny Appellant's Motion for Extension and grant Shah's Motion to Dismiss the Appeal.

Respectfully submitted,

s/ R. Hawthorne Barrett

R. Hawthorne Barrett (SC Bar #16973)

Turner Padgett-Graham & Laney, P.A.

P.O. Box 1473

Columbia, SC 29202

(803) 227-4219

tbarrett@turnerpadgett.com

Attorney for the Respondents Shah Investments, LLC

June 3, 2022

Stephan Shegart
546 Gates St.
Phila. PA 19128

CERTIFIED MAIL

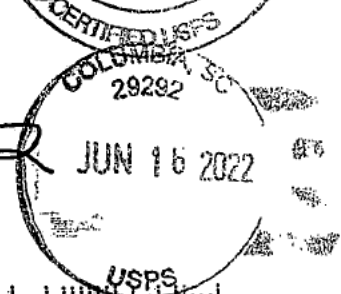
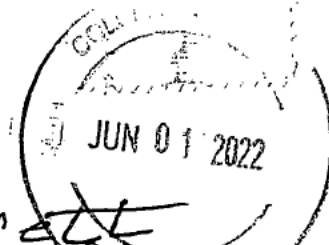


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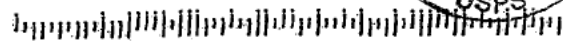
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000052689

Turner & Paget
Att: R. Hawthorne Barrett
P.O. Box 1473
Columbia, SC 29202



29202-147373





Menu

**Progress Notes****David Steinberg at 6/1/2022 3:35 PM**

I saw and evaluated Stephan Shugart and reviewed Dr. Kerbel's notes. I agree with the history, physical exam, and medical decision making with following

additions/exceptions/observations:
67-year-old right-hand-dominant male presenting with the pain around the PIP joint of the right middle finger without antecedent trauma.

On examination he lacks 1 cm full flexion DPC with some tenderness around the PIP joint but no gross instability. Flexor and extensor tendon function intact.

I ordered and independently reviewed x-rays of the finger with him demonstrating some asymmetric cartilage loss on the ulnar side of the PIP joint.

Impression: PIP arthritis of the right middle finger.

Recommendations: I ordered therapy to include a Tubigrip and edema control and modalities. His request I performed corticosteroid injection. He may follow up in 2-3 months if he remains symptomatic.





Menu



HISTORY OF PRESENT ILLNESS

Stephan Shugart is a right hand dominant 67 y.o. male who presents with swelling of R middle finger. Worked in past as insurance agent, prior on railroad doing a lot of work around the house, gardening.

R middle finger

~~swollen and painful at PIP~~

- ongoing for years

- improves with rest, stretching, worse with using (gripping, lifting)

~~Has previously been evaluated for this problem in 2018 by Dr. Steinberg, along with cervical radiculopathy. Referred to spine surgery at that time.~~

Has seen multiple spine surgeons who have provided different surgical recommendations but has elected to proceed non op up to this point.

Chief complaint is that the middle finger is now starting to 'turn outwards' and point towards little finger. Is wondering if there are any surgical procedures that can prevent the deformity of the finger and get it straight again.





Menu

**I. INJECTION**

An injection of the right middle finger PIPJ was performed after verbal consent and identification of the correct site. The involved site(s) were cleansed in sterile fashion. This mixture:

-1/2cc of lidocaine 1% and 1cc of celestone (6mg/ml)

was injected in standard fashion. They tolerated the procedure well. Sterile bandage was applied. After-care instructions were provided.

David Steinberg, M.D.

Yehuda E Kerbel at 6/1/2022 3:13 PM
Stephan Shugart

CHIEF COMPLAINT**Chief Complaint**

Patient presents with

- Return Visit
- Hand Pain
right

REVIEW OF SYSTEMS



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- * The sender/drawer agrees to enter the name of the payee and to sign the instrument immediately upon purchase
 - Failure to do so will result in the sender/drawer bearing the risk of any loss or theft of this instrument
- * The laws of a specific state will consider these funds to be "abandoned" if this Money Order is not cashed by a certain time
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05/25/2022

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Pay: FIFTY DOLLARS AND 00 CENTS

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Packing Supply	7.99 TX
SUBTOTAL	26.47
TAX	
State Tax on 7.99	0.64
TOTAL	27.11
TEND Debit	27.11

Total shipments: 0
 Customer: None selected

#133610
 Workstation: 0 - Master Workstation
 CCTran# 3873236d-dd65-432e-9c6d-74cb0e474ef0

~~05/26/2022~~
~~05:39 PM~~

Signature _____

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PROOF OF MAILING
 5/26/22

**PROOF OF SERVICE FOR ARGUMENT IN REPLY TO DEFENDANTS
REQUEST FOR THE CASE TO BE DISMISSED**

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

Case No. 2020-001453

Stephan Shugart,

Petitioner,

v.

Historic Hospitality, LLC,

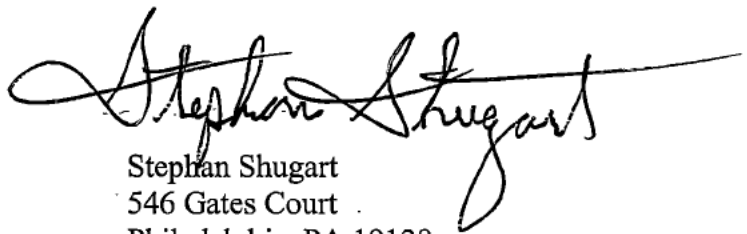
Respondent.

PROOF OF SERVICE

I certify that I have served the Reply to the Defendants Motion to Return to Motion to Extend regarding above referenced case; Stephan Shugart v. Historic Hospitality, LLC, by depositing a copy of it in the United States Mail, postage prepaid, on June 13, 2022, addressed to his attorney of record, R. Hawthorne Barrett, Post Office Box 1473, Columbia, South Carolina 29202.

Respectfully, Stephan Shugart

June 13, 2022



Stephan Shugart
546 Gates Court
Philadelphia, PA 19128
(215) 509-1088
Pro Se Appellant

RECEIVED
JUN 21 2022
SC Court of Appeals

THE STATE OF SOUTH CAROLINA
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APPEAL FROM AIKEN COUNTY
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Historic Hospitality, LLC, Shah Investments, LLC,
and Southern Hotel Properties, LLC,.....Respondents.

PROOF OF SERVICE

The undersigned, attorney in this matter for Respondent Shah Investments, LLC, certifies that I have this **3rd day of June, 2022**, served a copy of Shah's **Return to Motion to Extend** upon the pro se Appellant by causing it to be deposited in the United States mail with sufficient postage attached, addressed to: Stephan Shugart; 546 Gates Court; Philadelphia, PA 19128.

s/ R. Hawthorne Barrett
R. Hawthorne Barrett (SC Bar #16973)
Turner Padget Graham & Laney, P.A.
P.O. Box 1473
Columbia, SC 29202
(803) 227-4219
tbarrett@turnerpadget.com

Attorney for the Respondents Shah Investments, LLC

June 3, 2022

Stephan Skugart
546 Gates Street
Phila, PA 19128

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JUN 21 2022

SC Court of Appeals