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Sep 13 2022

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM SOUTH CAROLINA
SC Workers' Compensation Commission
Appellate Panel

Appellate Case No. 2022-000282

Michael K. Crowley, Employee,Appellant,

v.

Darlington County, Employer, and
SC Association of Counties SIF, Carrier, Respondents.

**MOTION FOR EXTENSION TO FILE
THE AMENDED INITIAL BRIEF OF APPELLANT**

The Movant would respectfully show unto the Court as follows in support of the Motion for an Extension to File the Amended Initial Brief of Appellant pursuant to the Order of the Court of September 12, 2022:

1. That the Appellant filed the Initial Brief and Designation of Matter on June 28, 2022 and on July 1, 2022 filed a Motion to Exceed the Page Limit. By Order of the Court on September 12, 2022, the Court denied the Motion to Exceed the Page Limit and allowed the Appellant twenty (20) days to file and serve an Amended Initial Brief not exceeding the fifty (50) page limit.

2. That lead Counsel for the Appellant has filed letters of protection with every Court and with the SC Workers' Compensation Commission before whom he appears for protection for a vacation from September 23rd through October 11, 2022. On September 12th via email the Order of the Court was received late in the afternoon at 4:03 o'clock pm, thus effectively being received on September 13th, and allowing Counsel twenty (20) days in which to completely revise and reassemble the Initial Brief of Appellant.

3. That pursuant to the Order of the Court the Amended Initial Brief of Appellant is due to be filed and served on October 2nd. In accordance with the normal policy of the Court of granting a thirty (30) day extension from the last date that a matter is due to be filed with the Court, a thirty (30) day extension from the date of October 2nd would effectively give Counsel upon return from vacation 19-20 days to file the Amended Brief.

4. That as the Court is aware, lead Counsel for the Appellant has an active trial practice and taking the time away from his other clients to review and revise and completely restructure the Initial Brief at a time that Counsel is doing all types of work on the files of his other clients in preparation of being out of the office would do a disservice to his other clients and their causes. Counsel would ask the Court

to take notice of the fact in reference to any time away from a trial practice, that either action on files has to be accelerated and taken care of prior to the time of being out of the office or put off or postponed until after returning to the office. Thus, there is a tremendous amount of workload both going into time off and coming back from time off.

Wherefore, Counsel for the Appellant would respectfully request an extension of thirty (30) days from the date of his return from vacation, making Appellant's Amended Initial Brief due on November 11, 2022; or would request an extension of at least thirty (30) days from the date that the Brief is due on October 2nd. Any consideration of an extension that the Court deems appropriate to give is greatly appreciated.

WE SO MOVE.

Respectfully submitted,



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and

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Attorneys for the Appellant

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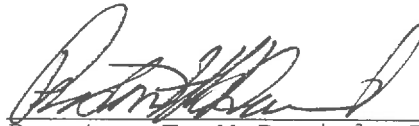
v.

Darlington County, Employer, and
SC Association of Counties SIF, Carrier, Respondents.

PROOF OF SERVICE

I certify that I have served the **MOTION FOR EXTENSION TO FILE THE AMENDED INITIAL BRIEF OF APPELLANT** by depositing a copy of it in the United States Mail, postage prepaid, on September 13, 2022 addressed to:

John Gabriel Coggiola, Esquire
Willson Jones Carter & Baxley
3600 Forest Drive, Ste. 204
Columbia, South Carolina 29204



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Proudly representing injured workers
for over 35 years.

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SC Court of Appeals

VIA EMAIL - ctappfillings@sccourts.org
AND US MAIL

Honorable Jenny Abbott Kitchings
Clerk, SC Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

**RE: Michael K. Crowley v. Darlington County
Appellate Case No. 2022-000282**

Dear Ms. Kitchings:

I am in receipt of the Order denying the Motion to Exceed Page Limits and please find attached a Motion for an Extension to file the Amended Initial Appellant's Brief in the above-referenced matter. Because of the special circumstances involved in making this request, I am sending a copy of this cover letter to Chief Judge Aphrodite Konduros and to Judge Garrison Hill who signed the Order denying the original Motion.

The Order requires Mr. Malloy and I to file our Initial Brief within twenty (20) days making the Brief due October 2, 2022. I have a two week vacation planned from September 23rd and returning to the office on October 11th. I obtained protection from every Court and Commission before whom I appear except for the Court of Appeals. In accordance with the normal policy of the Court of granting thirty day extensions from the last due date since the Brief is due to be filed on October 2nd, that would make my Brief due on November 2nd. While if the Court would be so gracious as to at least grant me that extension, I would sincerely appreciate consideration of granting me a thirty day extension from my return on October 11th, thus making the Amended Brief due to the Court on November 11th.

While I have always thought that it was in our client's best interest to submit a Brief within the page limits, to comply with the Court's Order and to write the Brief will require a

Honorable Jenny Abbott Kitchings

September 13, 2022

Page 2

complete re-writing and restructuring of the Brief. As the Court knows, the amount of time necessary to do that will require a substantial amount of time away from my other clients, which is unfair to them. I hope that upon review that the Court can grant the request for an extension until November 11th, and by copy of this letter I am notifying Counsel for the Respondents of this communication and of the filing of this Motion. I would also appreciate it if Ms. Coggiola would express whether or not he has any objection to the request being granted.

As always, I appreciate all the courtesies and kindnesses shown to me by you, your office, and the Court.

Sincerely yours,



Preston F. McDaniel

PFM/kth
Enclosures

cc: Honorable Aphrodite K. Konduros (via email only)
Honorable D. Garrison Hill (via email only)
Gerald Malloy, Esquire (via email only)
John Gabriel Coggiola, Esquire (via email only)