

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

RECEIVED

Sep 22 2022

SC Court of Appeals

**APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas**

Wade H. Logan, III, Special Judge

Appellate Case No. 2019-001322
Common Pleas Case No. 2016-CP-10-2380

Chicora Life Center, LC,Appellant,

v.

Fetter Health Care Network Inc.;
NBSC Corporation, and John and Jane Does 1-100, Defendants,

Of which Fetter Health Care Network Inc. is the Respondent.

**MOTION FOR EXTENSION OF TIME TO
PETITION FOR REHEARING ON BEHALF OF APPELLANT**

John A. Massalon, Esquire (SC Bar #10279)
WILLS MASSALON & ALLEN LLC
Post Office Box 859
Charleston, South Carolina 29402
(843) 727-1144
jmassalon@wmalawfirm.net

Attorneys for Appellant

TO: THE HONORABLE JUDGES OF THE SOUTH CAROLINA COURT OF APPEALS

COMES NOW Appellant, Chicora Life Center, LC, by and through its undersigned counsel, pursuant to Rule 263(b), SCACR, and moves for an extension of fifteen (15) days' additional time to file/serve a petition for rehearing of this matter, which the Court decided via opinion filed September 14, 2022. *See Chicora Life Center, LC v. Fetter Health Care Network, Inc.*, Unpublished Op. No. 2022-UP-354.

1. Rule 221(a), SCACR, provides, "Petitions for rehearing must be actually received by the appellate court no later than fifteen (15) days after the filing of the opinion, order, judgment, or decree of the court."

2. Based on the September 14, 2022 filing of the Court's opinion in this case, the present deadline to petition for rehearing is the close of business on September 29, 2022, which, in accordance with Rule 263(a), SCACR (regarding computation of time), is the 15th day after the opinion's filing.

3. The undersigned counsel for Appellant requests the Court's allowance of fifteen (15) days' additional time to petition for rehearing to allow counsel to consult with his client before filing the petition.

4. Respectfully, the undersigned submits there is good cause for the Court to grant the relief requested herein, as it is, under the circumstances, a reasonable dispensation, timely sought, consistent with the interests of justice, posing no threat of undue prejudice to any other party.

5. The undersigned consulted with counsel for Respondent, Fetter Health Care Network, Inc., prior to filing this motion, who indicated he consents to the extension of time requested.

WHEREFORE, Appellant requests that the Court grant it an extension of fifteen (15) days' time (running from September 29, 2022) to petition for rehearing. By the undersigned's calculations, the grant of this relief would make the new deadline to petition for rehearing October 14, 2022. ADDITIONALLY, for the same reasons set forth in support of the within request for an extension of time, Appellant requests that the Court hold the present deadline for petitioning for rehearing in abeyance until the Court acts on this motion.

Respectfully submitted,

s/John A. Massalon

John A. Massalon, Esquire (SC Bar #10279)

WILLS MASSALON & ALLEN LLC

Post Office Box 859

Charleston, South Carolina 29402

(843) 727-1144

jmassalon@wmalawfirm.net

Attorneys for Appellant

September 22, 2022

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

Sep 22 2022

SC Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Wade H. Logan, III, Special Judge

Appellate Case No. 2019-001322
Common Pleas Case No. 2016-CP-10-2380

Chicora Life Center, LC,Appellant.,

v.

Fetter Health Care Network Inc.;
NBSC Corporation, and John and Jane Does 1-100, Defendants,

Of which Fetter Health Care Network Inc. is the Respondent.

PROOF OF SERVICE

I certify that the **Motion for Extension of Time to Petition for Rehearing on Behalf of Appellant** was served on the below-listed counsel of record via electronic mail on September 22, 2022. A copy of the service email is attached hereto as Exhibit "A."

Samuel H. Altman, Esquire
Armand G. Derfner, Esquire
Derfner & Altman, LLC
575 King Street, Ste. B
Charleston, South Carolina 29403
jaltman@derfneraltman.com
aderfner@derfneraltman.com

Kevin R. Eberle, Esquire
Eberle Law Firm, LLC
367 President Street
Charleston, South Carolina 29403
keberle@charlestonlaw.edu

s/John A. Massalon
John A. Massalon, Esquire (SC Bar #10279)
WILLS MASSALON & ALLEN LLC
Post Office Box 859
Charleston, South Carolina 29402
(843) 727-1144
jmassalon@wmalawfirm.net
Attorneys for Appellant

Exhibit “A”

Charline Barrasso

From: Charline Barrasso
Sent: Thursday, September 22, 2022 1:45 PM
To: Armand Derfner; 'keberle@charlestonlaw.edu'; 'jaltman@derfneraltman.com'
Cc: John A. Massalon
Subject: Chicora Life Center, LC v. Fetter Health Care Network Inc.; 2019-001322
Attachments: 20220922 Mot for Extension to File Petition for Rehearing.pdf; 20220922 Clerk of Court.pdf

Counsel,

Good afternoon. In regard to the above-referenced matter, attached please find a Motion for Extension of Time to Petition for Rehearing on behalf of Appellant, along with correspondence to the Clerk of Court enclosing the filing fee. Service is being provided via email only. If you would like a hard copy, please let me know and I will be happy to mail one to you.

Thank you,

Charline L. Barrasso, Paralegal
Wills Massalon & Allen LLC
charline@wmalawfirm.net
Post Office Box 859 97 Broad Street
Charleston, SC 29402 Charleston, SC 29401
(843) 727-1144 Main Telephone
(843) 727-7696 Facsimile
<http://www.wmalawfirm.net>

This electronic message contains information which may be confidential or privileged and is for the use of the individual or entity named above. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this message is prohibited. If you have received this electronic transmission in error, please notify us immediately. Please be advised that US federal tax advice contained in this communication is not intended to or written to be used, and cannot be used, for the purpose of (1) avoiding penalties under the IRS or (2) promoting, marketing, or recommending to another party any transaction or matter addressed herein.