

RECEIVED

Nov 02 2022

SC Court of Appeals

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

APPEAL FROM THE CHARLESTON COUNTY COURT OF COMMON PLEAS

THE HONORABLE R. FERRELL COTHRAN, JR., CIRCUIT COURT JUDGE

Appellate Case No. 2022-000674

Kevin Dion Hollinshead, Senior,..... Appellant,

v.

Thomas J. Bell, individually and as Executive Director of Charleston Coalition for Kids, Charleston Coalition for Kids, a nonprofit Organization, Angelica M. Colwell, Lee P. Deas, Godfrey A. Gibbison, Eric P. Strickland, Loren R. Ziff, Courtney S. Waters, Leeza D. Steward, and Teach for America, Inc.....Respondents.

REPLY TO RETURN TO MOTION FOR EXTENSION

PLEASE TAKE NOTICE THAT Appellant, Kevin Dion Hollinshead, Senior, hereby replies to the return to the motion for extension as follows.

Counsel acknowledges that “no counsel for any of the Respondents was served, via email or otherwise, with the Motion on October 14, 2022, or at any time thereafter.” It was not, however, until the return to the motion was received that counsel became aware of the oversight. Counsel was out of the office when the return was received and upon return to the office, was horror stricken to realize that the transmittal e-mail was still in his e-mail drafts folder.

Based on the review of the situation, counsel scanned the letter to the system at 5:12 pm on August 14th. It was later uploaded to a pending file at 5:42 pm, and then latter attached to an e-mail previously drafted to counsel for Respondents. From there counsel has no explanation as to what happened or why the e-mail was not sent, and readily admits that it was as simple as pressing the send button. Why that did not happen counsel has no explanation for. In any event, it is

immaterial why the e-mail was not sent: the fact of the matter is that the e-mail was not sent, the “why” is irrelevant. At this point counsel can only apologize to the Court and to counsel for Respondents for this error¹.

Respondents, nevertheless, have failed to establish that they have been in any way prejudiced by the failure to properly serve them. Rather Respondents erroneously cite to rules and case law which has no applicability to the situation presented as the motion deadline was not missed and the appeal has not been dismissed². Respondents point to nothing and make no argument that they were in any way prejudiced by Appellant’s unintended mistake. The reality is that Respondents by their own admission were aware of the motion prior to the expiration of the time required for the filing of a return to the motion within the time permitted by Rule 240(e), SCACR, as evidenced by the fact that the return was filed within the time limit permitted by Rule 240(e).

Apparently unaware of Rule 262(a)(2), SCACR, Respondents argue that because the Appellant’s motion for extension “was not received by the Court until October 21, 2022,” the motion was not made timely. However, as Rule 262(a)(2), makes clear, if the motion is deposited “in the U.S. mail, properly addressed to the clerk of the appellate court, with sufficient first class postage attached. The date of filing shall be the date of mailing.” The motion in issue was mailed

¹ Counsel for Appellant signed up for online filing on October 21, 2022, so this issue will hopefully not present itself again.

² Respondents inconsistently maintain that “Appellate has failed to comply with the most important part of the Court’s October 10, 2022 letter, in that the brief was not filed with the Motion, as was required.” This position is illogical.

The motion is in and of itself a motion to file the brief outside the “filing deadlines set by Rules 208 and 209 of the SCACR.” Otherwise there would be no point in making the motion.

on October 14, 2022³. That proper postage was affixed is self-evident in that motion, was, indeed received by the Court. Accordingly, as per Rule 262(a)(2), the motion was made timely. Consequently, Respondent's argument that the motion was not made timely because the Court did not receive the motion until August 21st, is patently without merit.

Respondents maintain that Appellant was not justified in assuming that a briefing schedule was to follow. Appellant would note, however, that in recent cases in which counsel has been involved, briefing schedules have been issued.

Finally, Appellant finds the Respondent's response to the motion curious. As Respondent notes, counsel for Appellant has a great deal of appellate experience in this Court, the Supreme Court of South Carolina, and the Fourth Circuit Court of appeals. In all of the appeals handled by counsel for Appellant and during his time as a clerk with this court, counsel cannot recall having seen a response in opposition to a routine motion for an extension. That leads to the obvious question: why this case, why now?

Counsel for Appellant can only surmise that Respondents have little faith that the lower court's order will be affirmed, and understandably so⁴. The validity of the lower court's order, however, goes to the substance of the appeal and shall be addressed in the brief.

The fact of the matter is that the Respondent, Charleston Coalition for Kids, is a shadow organization which fears exposure of its activities and is deeply concerned as to what will happen

³ Respondents suggest that the motion may not have been mailed on the Court on October 14th, stating that the motion is "seemingly dated October 14, 2022." Setting aside the offensive nature of this insinuation (*see* Rule 402(h)(3) and Rule 407(3.4 and 8.4(e)), SCACR), Counsel for Appellant, as an officer of the Court, affirms that the motion was, in fact, mailed to the Court on August 14th. Of course, the Court has the envelope in which the motion was mailed with its post mark and is well aware that the motion was mailed on October 14th, notwithstanding Respondent's implication to the contrary.

⁴ Appellant would note that this is Respondents second attempt to have this appeal dismissed. Two attempts to have an appeal in the same appeal is quite unusual.

when the merits of the suit are reached⁵. This is not a valid basis for opposing the motion. The motion should, therefore, be granted and the appeal should go forward and decided by this Court.

BASED ON THE FOREGOING, Appellant, Kevin Dion Hollinshead, Senior, hereby respectfully request that he be granted a thirty (30) day extension to file his Initial Brief of Appellant and Appellant's Designation of Matter to be Included in the Record on Appeal.

RESPECTFULLY SUBMITTED:

PRITCHARD LAW GROUP, LLC

/s/ Edward K. Pritchard, III
Edward K. Pritchard, III, Esq.
South Carolina Bar No. 9710
8 Cumberland Street, Suite 200
Post Office Box 630
Charleston, South Carolina 29402
Phone: (843) 722-3300
Fax: (843) 722-3379
e-mail: epritchard@pritchardlawgroup.com
**ATTORNEY FOR APPELLANT,
KEVIN DION HOLLINSHEAD, SENIOR**

November 2, 2022
Charleston, South Carolina

⁵ One need look only to the conduct of Respondent, Charleston Coalition for Kids, in the current election for evidence of this.

RECEIVED

Nov 02 2022

SC Court of Appeals

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

APPEAL FROM THE CHARLESTON COUNTY COURT OF COMMON PLEAS

THE HONORABLE R. FERRELL COTHRAN, JR., CIRCUIT COURT JUDGE

Docket No. 2021-CP-10-00426

Kevin Dion Hollinshead, Senior,..... Appellant,

v.

Thomas J. Bell, individually and as Executive Director of Charleston Coalition for Kids, Charleston Coalition for Kids, a nonprofit Organization, Angelica M. Colwell, Lee P. Deas, Godfrey A. Gibbison, Eric P. Strickland, Loren R. Ziff, Courtney S. Waters, Leeza D. Steward, and Teach for America, Inc.....Respondents.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a complete and accurate copy of the foregoing *Reply to the Return to the Motion for Extension* on all counsel of record, as listed below, on November 2, 2022, via e-mail:

Brittany Tanya Bihun
(SC Bar No. 102496)

E-mail: bbihun@grsm.com

GORDON REES SCULLY MANSUKHANI, LLP

40 Calhoun Street, Suite 350

Charleston, South Carolina 29401

ATTORNEYS FOR RESPONDENTS, CHARLESTON COALITION FOR KIDS, THOMAS J. BELL, ANGELICA M. COLWELL, LEE P. DEAS, GODFREY A. GIBBISON, ERIC P.

STRICKLAND AND LOREN R. ZIFF

GREEN LEGAL AND CONSULTING LLC

Dwayne Green, Esq.
(SC Bar No. 9559)
E-mail: dwayne@greenlawsc.com
720 Magnolia Road— Suite 24
Charleston, South Carolina 29407
Telephone: (843) 266-2626
ATTORNEY FOR RESPONDENT COURTNEY WATERS
MCCULLOCH & SCHILLACI, ATTORNEYS AT LAW

Joseph M. McCulloch, Esq.
(SC Bar No. 3760)
e-mail: joe@mccullochlaw.com
1116 Blanding Street
Post Office Box 11623 (29211)
Columbia, South Carolina 29201
Telephone: (803) 779-0005
Fax: (803) 779-0666
ATTORNEYS FOR RESPONDENT, LEEZA D. STEWARD

David S. Cobb, Esq.
(SC Bar No. 66569)
E-mail: dcobb@turnerpadget.com
Nickisha M. Woodward
(SC Bar No. 101432)
E-mail: nwoodwardward@turnerpadget.com
TURNER PADGET GRAHAM LANEY
40 Calhoun Street, Suite 200
Charleston, South Carolina 29401
Telephone: (843) 576-5805
ATTORNEYS FOR RESPONDENT, TEACH FOR AMERICA, INC.

Pritchard Law Group, LLC

November 2, 2022
Charleston, South Carolina

/s/ Edward K. Pritchard, III
Edward K. Pritchard, III, Esq