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Nov 21 2022

SC Court of Appeals

THE STATE of SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHESTER COUNTY
Court of Common Pleas

John C. Hayes, III, Circuit Court Judge
Brian M. Gibbons, Circuit Court Judge

Case No. 2018-CP-12-00117
2028-AP-12-00074

Appellate Case Nos. 2022-001312 and 2022-001390

Heidi Gersten, Ivanka Ayoub, Daniel Hubbard, Plaintiffs,

Of whom Heidi Gersten is Appellant,

v.

Kevin Carter, Richard Davis, Joseph Tirbovich, Nationwide Insurance
Company, Interinsurance Exchange of the Automobile Co, John
Ammendola, Trustgard Insurance Company, Blackwell, SC Department
of Public Safety, Chevrolet, GMC, Unknown John Does, Respondents.

MOTION FOR EXTENSION OF TIME
TO FILE RETURN TO INTERINSURANCE EXCHANGE
OF THE AUTOMOBILE'S MOTION TO DISMISS
AND TITLE II OF THE AMERICANS WITH DISABILITIES
ACT REASONABLE ACCOMMODATIONS REQUEST

Heidi Gersten
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Appellant

The Appellant Heidi Gersten moves this Court, pursuant Title II of the Americans with Disabilities Act Reasonable Accommodations Request, for an extension of time of ten (10) days, until December 1, 2022, to file her return to the Respondent Interinsurance Exchange of the Automobile Club ('AAA')'s Motion to Dismiss filed on November 9, 2022.

The basis or grounds for this motion is that the Appellant is paralyzed disabled as a result of the collision in controversy in this matter. She suffers from numerous secondary complications from being disabled that include, but are not limited to, a pressure wound located on her left buttocks that prevents her from sitting down for very long without further injury to it. In addition, she has no control over her bowel movements and frequently experiences diarrhea "attacks" or "explosions". She has no caregiver or aid or assistant. She lives under extreme hardship.

For the previous reasons, she's a qualified individual of and protected under the Americans with Disabilities Act (ADA). A "qualified individual with a disability" is defined as "an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by a public entity." *United States v. Georgia*, 546 U.S. at 153-54, 126 S.Ct. 877 (quoting 42 U.S.C. § 12131(2)).

The Appellant simply is unable to perform at the level of able bodies. It takes her approximately fifty-two (52) times longer to complete basic daily

functions or tasks than an able body.

This is a complex matter and there are numerous respondents.

This request is made before the expiration of the time due.

THEREFORE, having shown good cause, the Appellant respectfully moves the Court for an extension of time to and including December 1, 2022, to file and serve her return to the Respondent Interinsurance Exchange of the Automobile Club's motion to dismiss.

This does not prejudice any of the Respondent's, especially since the case is currently in abeyance for various other Respondent's motions regarding withdrawals and substitutions or replacements of attorneys.

This is not made to cause delay, rather, in the furtherance of justice.

Respectfully submitted this 21st day of November 2022



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Lantana, Florida
November 21, 2022

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PROOF OR CERTIFICATE OF SERVICE

I hereby certify that service of the Appellant's MOTION FOR EXTENSION OF TIME TO FILE RETURN TO INTERINSURANCE EXCHANGE OF THE AUTOMOBILE'S MOTION TO DISMISS AND TITLE II OF THE AMERICANS WITH DISABILITIES in the above-captioned cases was made upon all parties and counsel of record by depositing a copy of it in the United States Mail, postage prepaid, and return address clearly marked on ~~September~~ 21, 2022 to:
November

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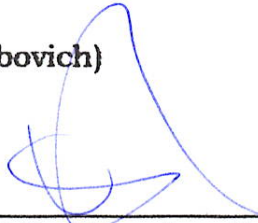
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The Honorable Jenny Abbott Kitchings
Clerk of Court
SC Court of Appeals
1220 Senate St.
Columbia, SC 29201
ctappfilings@sccourts.org

Re: MOTION FOR EXTENSION OF TIME TO FILE RETURN TO INTERINSURANCE EXCHANGE OF THE AUTOMOBILE'S MOTION TO DISMISS AND TITLE II OF THE AMERICANS WITH DISABILITIES ACT (ADA) REASONABLE ACCOMMODATIONS REQUEST

Dear Ms. Kitchings and to ALL CONCERNED:

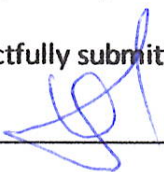
Good day to you!

Enclosed for filing, please find a copy of the above stated motion and ADA request, along with proof or certificate of service and a cover letter sent by email. The \$50.00, which is questionable to pay, as this is primarily a Title II ADA Reasonable Accommodation Request, will be sent via US mail and a tracking # will be provided once obtained and another email will be sent to follow up shortly.

Please call the above number or email me if you have any questions.

Thank you for your time and assistance regarding this matter.

Respectfully submitted,



Heidi Gersten

Appellant/Petitioner

HG/Enclosures/ Motion for Extension of Time and ADA Request / Proof or Certificate of Service

Total pages: 7 including this cover sheet.