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**Apr 05 2023**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM LEXINGTON COUNTY  
Court of Common Pleas

Hon. William P. Keesley, Circuit Court Judge

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Appellate Case No. 2022-001749

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James John Todd Kincannon,

Appellant,

v.

Ashely Suzanne Griffith,

Respondent.

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**APPELLANT'S REQUEST FOR EXTENSION TO FILE INITIAL  
BRIEF PURSUANT TO THE AMERICANS WITH DISABILITIES ACT**

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Other Counsel of Record:  
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Appellant Pro Se

**APPELLANT’S REQUEST FOR EXTENSION TO FILE INITIAL  
BRIEF PURSUANT TO THE AMERICANS WITH DISABILITIES ACT**

Appellant respectfully requests, pursuant to the Americans with Disabilities Act (“ADA”), a forty-five day extension to serve and file the initial brief and designation of matter, which would make them due May 22, 2023. The basis for Appellant’s extension request is as follows, as is the basis for Appellant’s position that no filing fee should be charged for this request as it is an ADA accommodation request:

**EXTENSION**

1. As this Court is aware from filings in a different matter involving these same parties (Kincannon v. Griffith, Appellate Case No. 2019-001501), Appellant suffers from several psychiatric disorders, including Attention-Deficit/Hyperactivity Disorder.
2. Appellant’s Attention-Deficit/Hyperactivity Disorder often causes Appellant to be unable to prepare complex court filings that require a lot of drafting within the ordinary deadlines. Appellant is ordinarily capable of making simple “form” filings within the ordinary deadlines, such as a Notice of Appeal, but Appellant is not able to prepare more complicated filings, such as an Initial Brief, within the ordinary timeframe required for such filings by rule.
3. With respect to the Initial Brief in this case, Appellant has worked as diligently as possible on the Initial Brief during the time so far available and has completed approximately 40% of the brief. Appellant would have finished the entire brief within the ordinary deadline period but for his ADHD disability.

4. Appellant is confident that he can finish the entire Initial Brief, and the related Designation of Matter, within an additional forty-five days. Appellant accordingly requests the Court grant a forty-five day extension and set Appellant's Initial Brief and Designation of Matter to be due on May 22, 2023.

5. Appellant makes this request pursuant to the Americans with Disabilities Act because the sole reason for Appellant's extension request is Appellant's psychiatric disabilities. If Appellant did not suffer from ADHD, Appellant could certainly have completed the Initial Brief and Designation of Matter within the ordinary time allotted by the South Carolina Appellate Court Rules.

#### **FILING FEE**

Appellant's request for extension is solely grounded in the Americans with Disabilities Act ("ADA"), a federal law principally codified at 42 U.S.C. Section 12101 et seq. The sole reason that Appellant requests an extension in this matter is his ADHD disability. Because of this, Appellant believes that no filing fee can be charged in this matter. Per Appellant's understanding, the ADA prohibits recipients of accommodations requests from charging any sort of filing fee. This Court previously determined that no filing fee was necessary for ADA accommodations requests in Kincannon v. Griffith, Appellate Case No. 2019-001501. Accordingly, Appellant respectfully requests that this Honorable Court grant this disability accommodation request and determine that no filing fee is required. Appellant genuinely appreciates the Court's consideration in this matter, and Appellant would not have requested any extension but for his disability.

## CONCLUSION

Appellant respectfully requests the Court grant Appellant's ADA accommodation request, set the due date for Appellant's Initial Brief and Designation of Matter as May 22, 2023, and conclude, as this Court has previously concluded in Kincannon v. Griffith, Appellate Case No. 2019-001501, that no filing fee is necessary for this extension request as it is an ADA accommodation request for which no filing fee can lawfully be charged per the ADA.

Respectfully submitted,

April 5, 2023

s/James John Todd Kincannon

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Appellant Pro Se

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**CERTIFICATE OF SERVICE**

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The undersigned Appellant hereby certifies that he has, on the date below, properly served the foregoing on opposing counsel.

April 5, 2023

s/James John Todd Kincannon

James John Todd Kincannon

Appellant Pro Se

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**SC Court of Appeals**

**James John Todd Kincannon**  
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April 5, 2023

**By email only to ctappfilings@sccourts.org**

South Carolina Court of Appeals

P.O. Box 11629

Columbia, SC 29211

Re: James Kincannon v. Ashely Griffith, Appellate Case No. 2022-001749  
ADA Accommodation Request / Request for Extension

Ladies and Gentlemen:

I am submitting an ADA accommodation request regarding this matter. The requested accommodation is an extension of time to file the Initial Brief and Designation of Matter for forty-five days to May 22, 2023. The Court of Appeals has previously concluded that no filing fee is necessary for my ADA accommodation requests. This occurred in a case involving the same parties, Kincannon v. Griffith, Appellate Case No. 2019-001501. If the Court should nonetheless conclude that a filing fee is necessary in this case, despite its previous conclusion that no fee is necessary, please advise.

Thank you!

With kindest regards, I am,

Very truly yours,  
s/James John Todd Kincannon  
James John Todd Kincannon

cc: Ward Bradley (opposing counsel)