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**Jun 21 2023**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM SUMTER COUNTY  
Court of Common Pleas  
R. Kirk Griffin, Circuit Court Judge

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Appellate Case No. 2023-000074

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Ex Parte: Liberty Mutual Insurance Company and Horace Mann Property and  
Casualty Insurance Company, Respondents,

In Re:

Howell D. Thompson and Tara L. Thompson,  
Appellants,

v.

Carlos D. Toney,  
Defendant.

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**RESPONDENT LIBERTY MUTUAL INSURANCE COMPANY'S SECOND MOTION  
FOR EXTENSION OF TIME**

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Respondent Liberty Mutual Insurance Company respectfully requests a thirty-day extension of time to file its initial brief and designation of matter. The current deadline for Respondent's initial brief and designation of matter was May 22, 2023. However, on May 11, 2023, with 11 days remaining prior to the May 22 deadline, Respondent filed a Motion to Dismiss that was not ruled upon until June 16, 2023. Pursuant to Rule 240(b), SCACR, the Motion to Dismiss stayed the time to file Respondent's initial brief and designation of matter. Counsel for Respondents is informed and believes that the current deadline to file would be 11 days after the date the Motion to Dismiss was ruled upon, which would be June 27, 2023.

With a thirty-day extension, the new deadline for Respondent's initial brief and designation of matter would be July 27, 2023. Respondent requests this extension because of scheduling issues and professional obligations of counsel. This is Respondent's second request for an extension of these deadlines. Respondent requests the current deadline be held in abeyance until this Court issues an order on this motion. Counsel for Co-Respondent Horace Mann Property & Casualty Insurance Company consents to this extension request. Also, Counsel for Appellants consents to this extension request.

Respectfully submitted,

**SWEENEY, WINGATE & BARROW, PA**

s/ Aaron J. Hayes

Richard E. McLawhorn, Jr.

**Aaron J. Hayes, SC Bar No. 100114**

Sweeny Wingate & Barrow, P.A.

Post Office Box 12129

Columbia, S.C. 29211

(803) 256-2233

**ATTORNEY FOR RESPONDENT LIBERTY  
MUTUAL INSURANCE COMPANY**

Columbia, South Carolina

June 21, 2023

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**PROOF OF SERVICE**

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I certify that a true copy of Respondent Liberty Mutual Insurance Company's Second Motion for Extension of Time in this case has been served on the following, this 21th day of June 2023, by emailing a copy to each attorney listed below using their primary email address listed in the Attorney Information System pursuant to Rule 262 of the South Carolina Appellate Court Rules and the May 6, 2022 Order of the South Carolina Supreme Court (Appellate Case No. 2020-000447):

*Served email addresses to appear on following page.*

G. Murrell Smith, Jr., Esq., counsel for Appellants, at [murrell@smithrobinsonlaw.com](mailto:murrell@smithrobinsonlaw.com)  
Jonathan M. Robinson, Esq., counsel for Appellants, at [jon@smithrobinsonlaw.com](mailto:jon@smithrobinsonlaw.com)  
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Andrew N. Safran, Esq., counsel for Appellants, at [msa6631@aol.com](mailto:msa6631@aol.com)  
Karl S. Brehmer, Esq., counsel for Respondent Horace Mann, at [ksb@brownandbrehmer.com](mailto:ksb@brownandbrehmer.com)

s/ Aaron J. Hayes  
Aaron J. Hayes  
Attorney for Respondent Liberty Mutual Insurance  
Company

Columbia, South Carolina

June 21, 2023



SWEENEY WINGATE & BARROW

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SC Court of Appeals

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Reply to: Main Office

Aaron J. Hayes  
(803) 256-2233  
ajh@swblaw.com

**VIA E-MAIL:**

The Honorable Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
1220 Senate Street  
Columbia, South Carolina 29201

RE: Ex Parte: Liberty Mutual Insurance Company, et al., Respondents  
In Re: Howell & Tara Thompson, Appellants v. Carlos Toney, Defendant  
Appellate Case No.: 2023-000074  
Our File: 5590-12532

Dear Ms. Kitchings:

Please find enclosed for filing an electronic copy of Respondent Liberty Mutual Insurance Company's Second Motion for Extension of Time in the above-referenced appeal. Hand-delivered herewith is a check for the \$50.00 filing fee. Please let me know if anything further is required from Respondent Liberty Mutual concerning this motion.

Sincerely,

**SWEENEY, WINGATE & BARROW, P.A.**

  
Aaron J. Hayes

AJH/tnn

cc (via hand-delivery, check only): Clerk of Court, South Carolina Court of Appeals  
cc (via email): All counsel of record