

THE STATE OF SOUTH CAROLINA  
In the Supreme Court

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APPEAL FROM LEXINGTON COUNTY  
Court of Common Pleas

Robin B. Stilwell, Circuit Court Judge

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Appellate Case No. 2023-000607

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James John Todd Kincannon,

Petitioner,

v.

Ashely Suzanne Griffith,  
Moore Taylor Law Firm, P.A.,  
Vance Stricklin, and Amber  
Fulmer,

Respondents.

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**PETITIONER'S REQUEST FOR ACCOMMODATION,  
PURSUANT TO THE AMERICANS WITH DISABILITIES ACT,  
FOR A TEN DAY EXTENSION TO FILE REPLY TO RESPONDENTS'  
RETURN TO PETITIONER'S CERTIORARI PETITION**

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**RECEIVED**

**Jul 13 2023**

**S.C. SUPREME COURT**

**PETITIONER’S REQUEST FOR ACCOMMODATION,  
PURSUANT TO THE AMERICANS WITH DISABILITIES ACT,  
FOR A TEN DAY EXTENSION TO FILE REPLY TO RESPONDENTS’  
RETURN TO PETITIONER’S CERTIORARI PETITION**

**INTRODUCTION**

Due to Petitioner’s disabilities, explained below and also in Petitioner’s previous ADA accommodation filing,<sup>1</sup> Petitioner respectfully requests an additional ten days to submit his reply to Respondents’ return to Petitioner’s certiorari petition. Petitioner’s reply is currently due on July 17, 2023.<sup>2</sup> Petitioner requests the Court set a new due date for the reply filing of July 27, 2023. This accommodation request is made pursuant to the Americans with Disabilities Act.

**FILING FEE**

Petitioner was not charged a filing fee for his previous ADA accommodation request in this matter and accordingly does not submit one now. Petitioner believes the ADA does not allow fees for accommodation requests, and Petitioner has never been charged a fee by any other court for an accommodation request despite having made them on a regular basis. Petitioner **greatly** appreciates South Carolina courts’ sensitivity to disability accommodations and requests no filing fee be assessed for this accommodation request.

**NATURE OF PETITIONER’S DISABILITY**

1. Petitioner has been diagnosed with, and continues to suffer from, a

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1 Appellant previously made a similar request entitled “Petitioner’s Request for Accommodation Pursuant to the Americans with Disabilities Act with Respect to the Preparation of a Petition for Writ of Certiorari and Accompanying Filings.” This filing was submitted to the Court on April 17, 2023 and granted by order of Chief Justice Beatty on April 26, 2023.

2 Respondent’s Return to Petitioner’s Petition for Writ of Certiorari was filed and served July 6, 2023. Petitioner’s deadline to file a reply is July 17, 2023 per Rule 242(g), SCACR.

number of serious psychiatric ailments, including but not limited to attention deficit hyperactivity disorder (“ADHD”), anxiety, and depression.

2. Petitioner’s ADHD, which is primarily relevant to this accommodation request, is severe and, per doctor’s orders, cannot be treated with drugs due to severe side effects Petitioner has previously suffered while taking such drugs.

3. Petitioner is entirely capable of completing litigation tasks, including drafting filings, but Petitioner ordinarily needs extra time beyond that prescribed by court rules, particularly for tasks that involve complex drafting such as a reply to a return to a certiorari petition.<sup>3</sup>

4. Petitioner has often made disability accommodation requests regarding deadlines in other courts, state and federal, and has always been accommodated.

5. Accordingly, Petitioner respectfully submits that he is a qualified individual with a disability pursuant to the Americans with Disabilities Act and therefore requests a ten day extension, to July 27, 2023, to file his reply to Respondents’ return to Petitioner’s certiorari petition.

Respectfully submitted,

July 13, 2023

s/James John Todd Kincannon  
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<sup>3</sup> Petitioner is usually capable of drafting simple litigation documents in the ordinary time established by rule, such as a notice of appeal. But for anything that requires actual drafting, as opposed to simply following a form, Petitioner needs extra time.