

THE STATE OF SOUTH CAROLINA
In the Supreme Court

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Jul 17 2023

APPEAL FROM GEORGETOWN COUNTY
Court of Common Pleas

S.C. SUPREME COURT

Larry Hyman, Circuit Court Judge

S. Ct. Appellate Case No. 2023-000708

Phillippa Smalling, individually and as Next Friend for
Jahmerican M., a minor

Petitioner,

v.

Lisa R. Maselli, M.D., both individually and
as agent/employee of Carolina OB-GYN,

Respondents.

PETITIONER'S MOTION FOR LEAVE TO FILE OUT OF TIME

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Attorney for Petitioner

Petitioner hereby moves for leave to file out of time her Reply to Respondents' Return to Petition for Writ of *Certiorari*. Petitioner's Reply is attached hereto.

By letter dated July 10, 2023, Petitioner moved for a ten-day extension to file this Reply, which would have created a new deadline of July 20, 2023. In an abundance of caution, as Petitioner's counsel has received no response to that Motion, Petitioner hereby moves to file this Reply out of time. Grounds for both Motions were set forth in the said letter.

Rule 263, SCACR, addresses "time" issues in the S.C. appellate courts. Subsection 263(b) provides that "The time prescribed by these Rules for performing any act... may be extended or shortened by the appellate court, or by any judge or justice thereof."

Allowing the Reply would not prejudice Respondents. Petitioner respectfully requests the Court to allow her filing of the Reply out of time.

Respectfully submitted,

Anderson, South Carolina
July 17, 2023

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