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**Jul 28 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 ADA REQUEST FOR EXTENSION OF TIME TO  
FILE RETURN IN OPPOSITION TO RESPONDENT'S MOTION  
TO FILE INITIAL BRIEF AND DESIGNATION OF  
MATTER OUT OF TIME AND FOR AN EXTENSION TO FILE  
INITIAL BRIEF AND DESIGNATION OF MATTER**

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Other Counsel of Record:

Ward Bradley  
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Attorney for Respondent

James John Todd Kincannon  
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Simpsonville, SC 29681  
864-963-4374  
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Appellant Pro Se

**APPELLANT'S ADA REQUEST FOR EXTENSION OF TIME TO  
FILE RETURN IN OPPOSITION TO RESPONDENT'S MOTION  
TO FILE INITIAL BRIEF AND DESIGNATION OF  
MATTER OUT OF TIME AND FOR AN EXTENSION TO FILE  
INITIAL BRIEF AND DESIGNATION OF MATTER**

Appellant James John Todd Kincannon respectfully submits this request pursuant to the Americans with Disabilities Act seeking a five-day extension of time to file a Return in Opposition to Respondent's Motion to File Initial Brief and Designation of Matter Out of Time and For An Extension to File Initial Brief and Designation of Matter. Respondent's motion was filed yesterday, July 27, 2023. Appellant's Return would ordinarily be due ten days later on August 7, 2023. Appellant seeks an additional five days, which would make the due date for Appellant's Return August 14, 2023, since August 12 and 13 are weekend days.

Appellant would further respectfully ask the Court to refrain from ruling on Respondent's motion until such time as Appellant has had ten days to submit a Return in Opposition, or fifteen if this request is granted.

The grounds for this ADA request are Appellant's psychiatric disabilities, which have been fully disclosed to the Court in previous ADA filings which are incorporated herein by reference. In particular, Appellant's ADHD and bipolar disorders make it a practical impossibility for Appellant to comply with most court deadlines that involve serious original drafting, as is the case for the Return in Opposition that Appellant intends to file. Appellant does not typically need extra time for basic "form-type" filings like a Notice of Appeal, but filings like Appellant's Return almost always require extra time due to Appellant's disabilities.

Appellant is not submitting a filing fee along with this filing due to the Court's previous ruling in this matter that Appellant need not do so for filings of this nature.

## CONCLUSION

Appellant requests the Court grant the above ADA request and set August 14, 2023 as the deadline for Appellant to file a Return in Opposition to Respondent's Motion to File Initial Brief and Designation of Matter Out of Time and For An Extension to File Initial Brief and Designation of Matter.

Appellant further requests that the Court refrain from ruling on Respondent's Motion until Appellant has had a chance to submit a Return in Opposition, either by the current deadline of August 7, 2023 (if this request is denied) or by the amended deadline of August 14, 2023 (if this request is granted). Appellant believes Respondent's motion should be denied and wishes to submit to the Court a fully researched, carefully drafted Return in Opposition explaining why.

Respectfully submitted,

July 28, 2023

s/James John Todd Kincannon  
James John Todd Kincannon  
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.

July 28, 2023

s/James John Todd Kincannon

James John Todd Kincannon

ToddKincannon@gmail.com

**James John Todd Kincannon**  
216 Jones Avenue  
Simpsonville, SC 29681  
ToddKincannon@gmail.com

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July 28, 2023

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

Hon. Jenny Abbott Kitchings  
South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

Re: James Kincannon v. Ashely Griffith, Appellate Case No. 2022-001749  
ADA Extension Request re Appellant's Return to Respondent's Motion to File  
Initial Brief and Designation of Matter Out of Time and For An Extension to File  
Initial Brief and Designation of Matter

Ms. Kitchings:

This letter relates to my filing today captioned "Appellant's ADA Request for Extension of Time to File Return in Opposition to Respondent's Motion to File Initial Brief and Designation of Matter Out of Time and For An Extension to File Initial Brief and Designation of Matter."

This matter arose because Respondent failed to timely file and serve the Respondent's Initial Brief in this matter. Respondent has now filed a motion to file the brief out of time. Please be advised I oppose the Respondent's motion and am presently preparing a Return in Opposition, and am asking for a five-day extension in that regard due to my disabilities.

I am also requesting that the Court refrain from ruling on Respondent's motion until such time as I have filed my Return in Opposition, either under the current ten-day deadline or under the extended deadline if my request for extension is granted (and until such time as Respondent has had an opportunity to file a Reply to my Return if Respondent wishes to do so). I know the Court sometimes addresses motions like the one filed by Respondent without waiting for a Return, but in this case I would request that the Court wait until I've filed a Return before ruling.

Thank you and please let me know if you have any questions.

With kindest personal regards, I am,

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

cc: Ward Bradley (opposing counsel)