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SC Court of Appeals

**THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

Appeal from Pickens County
Court of Common Pleas

G.D. Morgan, Jr., Circuit Court Judge

Cases No. 2021-CP-39-01127 and -01128
Appellate Case No. 2023-000033

Deonda Weldon, Individually and as
Personal Representative of the Estate of Earline Cooley,

Appellant,

v.

Dominion Clemson, LLC d/b/a Dominion Senior Living at Patrick Square;
Dominion Senior Living, LLC; Dominion Clemson, II, LLC; Dominion
Management Group, LLC; and Dominion Group, LLC,

Respondents.

RESPONDENTS' CONSENT MOTION FOR LEAVE TO FILE BRIEF OUT OF TIME

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-and-

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Attorneys for Respondents

NOW COME Respondents, Dominion Clemson, LLC d/b/a Dominion Senior Living at Patrick Square; Dominion Senior Living, LLC; Dominion Clemson, II, LLC; Dominion Management Group, LLC; and Dominion Group, LLC, by and through their undersigned counsel, pursuant to Rule 263(b), SCACR, and, on the grounds set forth below, hereby move this Honorable Court, **with the kind consent of Appellant’s counsel**,¹ to allow them to file/serve their initial brief and designation of matter out of time.

The undersigned’s need for more time to complete Respondents’ initial brief is well documented in a succession of recent motions filed September 1st, 8th, 15th, 19th, and 22nd, 2023, so he will spare the Court another recitation of those details (unless, of course, it would prefer otherwise), though he would reiterate that, in making each of the prior motions directed to this subject, he believed in good faith that the extensions sought would allow him sufficient time to complete Respondents’ initial brief and worked diligently to do so.

As Respondents’ initial brief is now completed, with sincere thanks to Appellant’s counsel for consenting to this motion, and sincere apologies to the Court for the need to make it, the undersigned humbly asks that the Court consider the circumstances that occasion the instant motion sufficient to warrant the relief requested herein, which, it is again submitted, is timely sought, reasonable in scope, consistent with the interests of justice, and not prejudicial to Appellant.

WHEREFORE, Respondents move this Honorable Court to allow them to file/serve their

¹ In all candor, when Respondents’ undersigned counsel contacted Appellant’s counsel and inquired whether counsel would consent to the motion he would be filing “today” for leave to file Respondents’ brief out of time, “today” was still September 27th, and, of course, the clock has now turned over to September 28th. In the interest of going ahead and getting this motion, and the long-awaited brief that accompanies it, to the Court, the undersigned is submitting this now (several hours past midnight), as he does not believe that Appellant’s

initial brief and designation of matter out of time and to accept the same, which are conditionally filed and served contemporaneously herewith, as duly filed and served.

Respectfully submitted,

By: s/Russell G. Hines
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counsel's consent to the relief requested herein was contingent on this motion being filed before midnight.