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Sep 22 2023

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.

**MOTION FOR EXTENSION OF TIME TO SEPTEMBER 25, 2023,
TO FILE/SERVE INITIAL BRIEF OF RESPONDENTS,
OR, ALTERNATIVELY, TO ALLOW
INITIAL BRIEF OF RESPONDENTS TO BE FILED/SERVED
OUT OF TIME ON OR BEFORE SEPTEMBER 25, 2023**

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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 to extend the time for them to file/serve their initial brief and corresponding designation of matter to be included in the record on appeal to September 25, 2023, or, alternatively, to allow them to file/serve their initial brief and designation of matter out of time on or before September 25, 2023.

In response to a succession of recent motions by Respondents, filed September 1st, 8th, 15th, and 19th, 2023, respectively—all of which were made with the kind consent of Appellant’s counsel¹—by order filed September 21, 2023, the Court extended the time for filing/serving Respondents’ initial brief and designation of matter to today, Friday, September 22, 2023.

Respondents’ undersigned counsel made the motions that culminated in the Court’s order of September 21, 2023, because of the exceptionally intense demands of late of his work-related and other time commitments, including those associated with the unexpected disruption to work caused by Hurricane Idalia and

¹ Because of the late-night hour at which the instant motion is being filed, the undersigned was not able to inquire whether Appellant’s counsel consents to the relief requested herein.

the consequences thereof; lost office time between the afternoon of Friday, September 1st through Monday, September 4th due to a long-scheduled trip to see family out of state over Labor Day Weekend; another family trip the following weekend; and the convergence of numerous deadlines for time-consuming legal writing projects.

In making each of the motions that culminated in the Court's order of September 21, 2023, Respondents' undersigned counsel believed in good faith that the extensions sought would allow him sufficient time to complete Respondents' initial brief and designation of matter—and, indeed, the undersigned worked diligently to try to complete them today before deciding it was necessary to file the instant motion. But here yet again, because of the exceptionally intense demands of late of his work-related and other time commitments, the undersigned finds himself in need of a modest amount of additional time—no more than one (1) business day²—to properly respond to Appellant's counsel's prodigious brief.

Consequently, the undersigned humbly asks the Court once more to 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.

² Indeed, the undersigned expects to have Respondents' initial brief and designation of matter completed and conditionally filed/served in accordance with

WHEREFORE, Respondents move this Honorable Court to extend the deadline for them to file/serve their initial brief and designation of matter to Friday, September 25, 2023, or, alternatively, to allow them to file/serve their initial brief and designation of matter out of time on or before September 25, 2023. Further, Respondents respectfully request that the Court hold their present initial-briefing/designation-of-matter deadline in abeyance until it acts on this motion.

Respectfully submitted,

By: s/Russell G. Hines

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Attorneys for Respondents

Charleston, South Carolina

September 22, 2023

the relief requested herein before the Court opens for business on Monday morning.

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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.

PROOF OF SERVICE

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Attorneys for Respondents

I, Russell G. Hines, of Clement Rivers, LLP, attorneys for Respondents, hereby certify that the **MOTION FOR EXTENSION OF TIME TO SEPTEMBER 25, 2023, TO FILE/SERVE INITIAL BRIEF OF RESPONDENTS, OR, ALTERNATIVELY, TO ALLOW INITIAL BRIEF OF RESPONDENTS TO BE FILED/SERVED OUT OF TIME ON OR BEFORE SEPTEMBER 25, 2023** was served on all other parties to this matter on September 22, 2023, by emailing (see attached email) a copy of the same to their counsel of record:

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Attorneys for Appellants

Respectfully submitted,

By: s/Russell G. Hines
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Attorneys for Respondents

Charleston, South Carolina

September 22, 2023

From: [Hines, Russell](#)
To: mchristian@cclawfirm.com; jalloway@mcgowanhood.com; jthompson@btblawfirm.com
Cc: [Bell, Pollyana \(Polly\)](#); [Justman, Aimee](#)
Subject: Weldon v. Dominion Clemson, LLC; 2023-000033 (CR 230229)
Date: Friday, September 22, 2023 11:34:22 PM
Attachments: [image002.png](#)
[Weldon v. Dominion Clemson \(2023-000033\) -- Motion for Ext to 9-25-23 re Initial Br. of Respondents.pdf](#)

Attached for service please find Respondents' **Motion for Extension of Time to September 25, 2023, to File/Serve Initial Brief of Respondents, or, alternatively, to Allow Initial Brief of Respondents to be Filed/Served Out of Time on or Before September 25, 2023** in the above-referenced matter.

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