

RECEIVED

Sep 28 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
In the Court of Common Pleas for the Ninth Judicial Circuit

The Honorable Kristi F. Curtis, Circuit Court Judge

Appellate Case No. 2023-000952

Kelly Bingham and Kayla Bingham Appellants-Respondents,

v.

Medical University of South CarolinaRespondent-Appellant.

**RESPONDENT-APPELLANT'S CONSENT MOTION FOR EXTENSION OF TIME TO
FILE AND SERVE ITS INITIAL BRIEF OF APPELLANT AND DESIGNATION OF
MATTER FOR INCLUSION IN THE RECORD ON APPEAL**

M. Dawes Cooke, Jr., Esq. (S.C. #1376)
John W. Fletcher, Esq. (S.C. #69550)
BARNWELL WHALEY PATTERSON &
HELMS, LLC
211 King Street, Suite 300 (29401)
PO Drawer H
Charleston, SC 29402
Phone: (843) 577-7700 Fax: (843) 577-7708
*Counsel for Respondent-Appellant Medical
University of South Carolina*

**RESPONDENT-APPELLANT'S CONSENT MOTION FOR EXTENSION OF TIME TO
FILE AND SERVE ITS INITIAL APPELLANT BRIEF AND DESIGNATION OF
MATTER FOR INCLUSION IN THE RECORD ON APPEAL**

AND NOW COMES Respondent-Appellant Medical University of South Carolina (“MUSC”), by and through its undersigned counsel, pursuant to Rule 263(b), SCACR, and moves for an extension of thirty (30) days additional time to file and serve its Initial Appellant's Brief and Designation of Matter for Inclusion in the Record on Appeal.

1. Appellants-Respondents Kellie Bingham and Kayla Bingham served and filed their Notice of Appeal on or about June 9, 2023.

2. On or about June 12, 2023, Respondent-Appellant MUSC filed its Notice of Cross-Appeal.

3. Because Appellants-Respondents filed their Notice of Appeal first, they were responsible for perfecting the appeal, including ordering the transcript.

4. The parties received the final transcripts in this case on September 28, 2023.

5. Therefore, in accordance with Rule 208(a)(3), the deadline for Respondent-Appellant MUSC's Initial Appellant Brief and Designation of Matter for Inclusion in the Record on Appeal is Monday, October 30, 2023.

6. Due to the complexity and volume of issues in this appeal and the volume of the trial transcript, Respondent-Appellant MUSC's counsel requires an extension of time to file and serve its Initial Appellant Brief and Designation of Matter for Inclusion in the Record on Appeal.

7. Specifically, Appellant Meridian respectfully requests that the Court extend this deadline by 30 days, until November 29, 2023.

8. Respondent-Appellant MUSC believes that this relief is consistent with the interests of justice and will not work any undue prejudice upon any party.

9. This is Respondent-Appellant MUSC's first request for an extension to file its Initial Appellant Brief and Designation of Matter for Inclusion in the Record on Appeal.

10. Counsel for Appellants-Respondents Kellie Bingham and Kayla Bingham has graciously consented to the relief requested herein.

WHEREFORE, for all of the foregoing reasons, Respondent-Appellant Medical University of South Carolina moves this Honorable Court to grant it an extension of 30 days to file and serve its Initial Appellant Brief and Designation of Matter for Inclusion in the Record on Appeal. With the requested extension of time, the new deadline for filing and serving Respondent-Appellant's Initial Appellant Brief and Designation of Matter for Inclusion in the Record on Appeal will be November 29, 2023. Additionally, Respondent-Appellant MUSC respectfully requests that the Court hold its present deadline for the service and filing of its Initial Appellant Brief and Designation of Matter for Inclusion in the Record on Appeal in abeyance until it acts upon this Motion.

BARNWELL WHALEY PATTERSON &
HELMS, LLC

By: 

M. Dawes Cooke, Jr., Esq. (S.C. #1376)

John W. Fletcher, Esq. (S.C. #69550)

211 King Street, Suite 300 (29401)

PO Drawer H

Charleston, SC 29402

Phone: (843) 577-7700 Fax: (843) 577-7708

***Counsel for Respondent-Appellant Medical
University of South Carolina***

September 29, 2023

RECEIVED

Sep 28 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
In the Court of Common Pleas for the Ninth Judicial Circuit

The Honorable Kristi F. Curtis, Circuit Court Judge

Appellate Case No. 2023-000952

Kelly Bingham and Kayla Bingham Appellants-Respondents,

v.

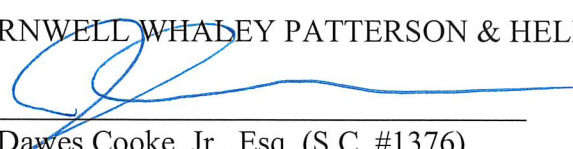
Medical University of South CarolinaRespondent-Appellant.

PROOF OF SERVICE

I certify that I have served the **RESPONDENT-APPELLANT'S CONSENT MOTION FOR EXTENSION OF TIME TO FILE AND SERVE ITS INITIAL BRIEF OF APPELLANT AND DESIGNATION OF MATTER FOR INCLUSION IN THE RECORD ON APPEAL** on counsel for the above-referenced Appellants-Respondents by email in accordance with the South Carolina Supreme Court's Order re: Methods of Electronic Filing and Service Under Rule 262 of the South Carolina Appellate Court Rules (As Amended May 6, 2022) on September 29, 2023, addressed to her attorneys of record:

John E. Parker, Esq.
John E. Parker, Jr., Esq.
PARKER LAW GROUP, LLP
101 Mulberry Street East
Post Office Box 487
Hampton, SC 29924-0457
Phone: (803) 943-2111
Attorneys for Appellants-Respondents Kellie Bingham and Kayla Bingham

BARNWELL WHALEY PATTERSON & HELMS, LLC

By: 
M. Dawes Cooke, Jr., Esq. (S.C. #1376)
John W. Fletcher, Esq. (S.C. #69550)
211 King Street, Suite 300 (29401)
PO Drawer H
Charleston, SC 29402
Phone: (843) 577-7700 Fax: (843) 577-7708
Counsel for Respondent-Appellant