

**RECEIVED**

**Oct 12 2023**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM AIKEN COUNTY  
Courtney Clyburn Pope, Circuit Court Judge

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Appellate Case No. 2023-000009  
Case No. 2017-CP-02-1413

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Otis Owens, ..... Respondent,

v.

Michael Hunt, in his Official Capacity as Sheriff  
of Aiken County, Aiken County Sheriff’s Office,  
Aiken County Detention Center, and Aiken County, ..... Appellants.

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**MOTION FOR EXTENSION AND TO  
ACCEPT FILING OF APPELLANTS’  
REPLY BRIEF OUT OF TIME**

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The Appellants respectfully move this Court for an extension of time through October 16, 2023, to file and the Court accept out of time the Initial Reply Brief of Appellants and their Designation of Matter to be Included in the Record.

The Appellants’ motion is based on the following grounds:

1. The Initial Reply Brief of Appellants and their Designation of Matter to be Included in the Record on Appeal were due to be filed by October 5, 2023.

2. The undersigned Appellants' counsel, who is the appellate counsel on this case, inadvertently overlooked the September 25, 2023, email from Respondent's counsel serving her Initial Brief. The Initial Reply Brief was due on October 5, 2023, and on that date, the undersigned counsel had two other appellate briefs due, one at the South Carolina Supreme Court and one at the Fourth Circuit. In addition, the undersigned counsel was preparing for a week-long trial in state court and is currently still in the trial that began on October 9, 2023. The Appellants wish to file a reply brief once counsel is out of trial and believes that the interests of justice will be served thereby.

3. The undersigned counsel consulted with opposing counsel who kindly consented to this email correspondence (see attached).

WHEREFORE, the Appellants respectfully request that the Court accept the filing of the Initial Appellants' Brief and Appellants' Designation of Matter to be Included in the Record on Appeal one day out of time.

LINDEMANN LAW FIRM, P.A.

BY: s/ Andrew F. Lindemann  
ANDREW F. LINDEMANN #13030  
5 Calendar Court, Suite 202  
Post Office Box 6923  
Columbia, South Carolina 29260  
(803) 881-8920

*Counsel for Appellant*

October 12, 2023

**From:** [Andrew Lindemann](#)  
**To:** [Jennifer Baker](#)  
**Subject:** FW: Owens v. Sheriff Hunt  
**Date:** Thursday, October 12, 2023 7:51:25 AM

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**From:** Whitney Harrison <wharrison@mcgowanhood.com>  
**Sent:** Thursday, October 12, 2023 7:49 AM  
**To:** Andrew Lindemann <Andrew@ldlawsc.com>  
**Cc:** wdavidson@dml-law.com; josh@hjllcsc.com; ethan@hjllcsc.com  
**Subject:** Re: Owens v. Sheriff Hunt

Andrew,

You have my consent. I know you'd extend the same courtesy to me.

Hope you have a good day.

WBH

Sent from my iPhone

On Oct 11, 2023, at 9:30 PM, Andrew Lindemann <[Andrew@ldlawsc.com](mailto:Andrew@ldlawsc.com)> wrote:

Whitney:

I have a favor to ask. I am in the middle of a week long trial at the moment and just saw the letter from the Clerk's Office that was emailed this afternoon. For some reason, I did not see the Initial Respondent's Brief that you filed on September 15, 2023, and failed to have the deadline for the reply brief diaried or to seek an extension due to my trial and the trial prep last week..

While I am still in trial, I plan to file a motion tomorrow to ask the Court to allow me to file a reply brief out of time. Will you consent to that motion?

Thanks.

Andrew

Andrew F. Lindemann  
Lindemann Law Firm, P.A.  
5 Calendar Court, Suite 202

Post Office Box 6923  
Columbia, South Carolina 29260  
Direct Dial: 803-881-8921  
Email: [andrew@ldlawsc.com](mailto:andrew@ldlawsc.com)

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SC Court of Appeals

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CERTIFICATE OF SERVICE

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Pursuant to Section (d)(1) of the Supreme Court's Order Methods of Electronic Filing and Service Under Rule 262 of the South Carolina Appellate Court Rules (As Amended May 6, 2022), the undersigned employee of Lindemann Law Firm, P.A., counsel for the Appellants, does hereby certify that service of the **Motion for Extension and to Accept Filing of Appellants' Reply Brief Out of Time** in the above-captioned matter was made upon all counsel of record by email only this the 12th day of October 2023, as follows:

Whitney B. Harrison, Esquire  
McGowan Hood Felder & Phillips  
Email: [wharrison@mcgowanhood.com](mailto:wharrison@mcgowanhood.com)

Joshua T. Hawkins, Esquire  
Ethan L. Jedziniak, Esquire  
Hawkins & Jedziniak, LLC  
Email: [josh@hjllcsc.com](mailto:josh@hjllcsc.com)  
Email: [ethan@hjllcsc.com](mailto:ethan@hjllcsc.com)

William H. Davidson, II, Esquire  
Davidson & Wren, P.A.  
Email: [w davidson@dml-law.com](mailto:w davidson@dml-law.com)

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*s/ Andrew F. Lindemann*



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\*Also Admitted in North Carolina

October 12, 2023

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SC Court of Appeals

Via Email Only

The Honorable Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
Email: [ctappfilings@sccourts.org](mailto:ctappfilings@sccourts.org)

RE: Otis Owens v. Sheriff Michael Hunt, the Aiken County Sheriff's Office, Aiken County  
Detention Center and Aiken County  
Appellate Case Number: 2023-000009  
Civil Action Number: 2017-CP-02-1413  
Claim Number: 012017G00000066  
Our File Number: 333.20648

Dear Ms. Kitchings:

Pursuant to Section (b)(2) of the 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), please find enclosed for filing the **Motion for Extension and to Accept Filing of Appellants' Reply Brief Out of Time** in the above referenced matter. In accordance with Section (d)(1) of this same Order, I am hereby serving copies on all counsel of record.

My firm's \$50.00 check for the filing fee will be mailed to the Court. If you have any questions, please advise.

Sincerely,

LINDEMANN LAW FIRM, P.A.

Andrew F. Lindemann

AFL/jmb  
Enclosure

cc: Whitney B. Harrison, Esquire (w/ Enclosure, Via Email Only)  
Joshua T. Hawkins, Esquire (w/ Enclosure, Via Email Only)  
Ethan L. Jedziniak, Esquire (w/ Enclosure, Via Email Only)  
William H. Davidson, II, Esquire (w/ Enclosure, Via Email Only)