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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 SECOND 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**

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**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 was Monday, October 30, 2023.

6. By Order dated October 10, 2023, the Court (on consent of the parties) granted MUSC an extension of time until November 29, 2023 to file and serve its Initial Appellant Brief and Designation of Matter for Inclusion in the Record on Appeal.

7. On or about October 16, 2023, Respondent-Appellant MUSC filed a second Notice of Appeal from the formal September 19, 2023 Order of Kristi F. Curtis, Circuit Court Judge denying MUSC's Post-Trial Motions, which was docketed in this appeal.

8. Due to the complexity and volume of issues in this appeal and the lengthy 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.

9. Respondent-Appellant MUSC's counsel further requires this additional extension of time due to other intervening deadlines, due to the Thanksgiving holiday, and due to a recent interruption of counsel's work schedule due to service on jury duty in Circuit Court.

10. Specifically, Appellant MUSC respectfully requests that the Court extend this deadline by 30 days, until December 29, 2023.

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

12. Respondent-Appellant MUSC does not anticipate that it will need an additional extension to file its Initial Appellant Brief and Designation of Matter for Inclusion in the Record on Appeal.

13. 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 December 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.

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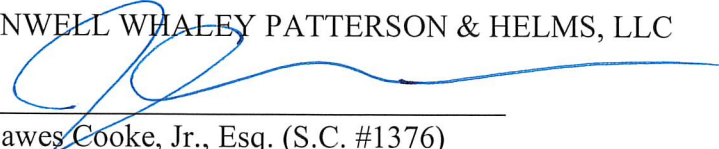
PROOF OF SERVICE

I certify that I have served the **RESPONDENT-APPELLANT'S SECOND 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 November 13, 2023, addressed to her attorneys of record:

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