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SC Court of Appeals

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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SUMTER COUNTY
Court of Common Pleas

The Honorable Robert W. Buffington, Special Referee

Case No. 2022-CP-43-00508
Appellate Case No. 2023-001638

Mae McGruder,

Respondent,

v.

Dollar General Corporation,
d/b/a Dollar General Store #1677 and Janie Davis,

Appellants.

MOTION FOR EXTENSION OF TIME

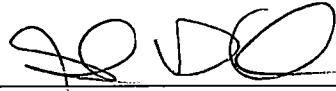
The Respondent, Mae McGruder, by and through her undersigned Counsel, hereby requests an enlargement of time pursuant to Rule 240(e), SCAR to file Respondent's Return to Appellants' Motion for Leave to File a Motion for Relief from Judgment. Respondent did not timely file a Return because Counsel misinterpreted the relief Appellant is requesting in its motion.

This case was referred to the Special Referee below by order of the Circuit Court which stated "the Special Referee shall retain jurisdiction to hear any action contesting the validity of judgment, any action necessary to enforce the judgment, and any motions or actions to set aside Entry of Default or Default Judgment pursuant to the South Carolina Rules of Civil Procedure, including but not limited to Rule 60(b)." (Exhibit A)

Upon first reading of Appellants' motion, Counsel did not that they seek leave from this Court to file a Motion for Relief from Default Judgment with the Circuit Court instead of with the Special Referee, in essence voiding the Order of Referral to the Special Referee in which the Special Referee retains exclusive jurisdiction to hear said

motion. Respondent does not oppose leave being granted to file the Motion with the Special Referee but wishes to file a Return opposing leave being granted to allow Respondents to file the said motion with the Circuit Court.

December 12, 2023



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Sharon B. Clark, SC Bar No.: 8626
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Clark Law Firm, LLC
P.O. Drawer 880
Sumter, South Carolina 29151-0880
Phone: (803) 775-1234

Exhibit A

STATE OF SOUTH CAROLINA)
)
 COUNTY OF SUMTER)
)
 Mae McGruder,)
)
 Plaintiff,)
)
 -vs-)
)
 Dollar General Corporation, d/b/a Dollar)
 General Store #16677 and Janie Davis,)
)
 Defendants.)
 _____)

IN THE COURT OF COMMON PLEAS
 THIRD JUDICIAL CIRCUIT
 2022-CP-43-00508

ORDER OF REFERRAL TO SPECIAL
 REFEREE

This matter comes before the Clerk upon motion of the Plaintiff pursuant to Rule 53 of the South Carolina Rules of Civil Procedure seeking referral of the matter to a Special Referee.

It appears that the Defendants, Dollar General Corporation, d/b/a Dollar General Store #16677, and Janie Davis, are in default in this action as evidenced by the Affidavit of Default filed herewith by Counsel for the Plaintiff.

IT IS THEREFORE ORDERED that this action is referred to Robert W. Buffington, as Special Referee, to take testimony and direct entry of final judgment in this action under Rule 53 of the South Carolina Rules of Civil Procedure, and all matters arising from or reasonably related to such action. The Special Referee has consented to hear this Default Judgment and damages matter and shall retain jurisdiction to perform all necessary acts incident to this action. Further, the Special Referee shall retain jurisdiction to hear any action contesting the validity of the judgment, any action necessary to enforce the judgment, and any motions or

actions to set aside Entry of Default or Default Judgment pursuant to the South Carolina Rules of Civil Procedure, including but not limited to Rule 60(b).

Any and all hearings shall be held by Robert W. Buffington, Special Referee, at Clark Law Firm, LLC, located at 22 East Liberty Street, Sumter, South Carolina, and all Orders of the Special Referee shall be filed with the Clerk of Court for Sumter County. The fees of the Special Referee shall be paid by the Plaintiff with the provision that if an appearance is made on behalf of the Defendant(s) the fees shall be equally divided between all parties who have appeared.

IT IS SO ORDERED.



Sumter Common Pleas

Case Caption: Mae Mcgruder VS Dollar General Corporation , defendant, et al

Case Number: 2022CP4300508

Type: Order/Referred to Master or Special Referee

So Ordered

s/James C. Campbell, Sumter County Clerk of
Court

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The Honorable Robert W. Buffington, Special Referee

Case No. 2022-CP-43-00508
Appellate Case No. 2023-001638

Mae McGruder,

Respondent,

v.

Dollar General Corporation,
d/b/a Dollar General Store #1677 and Janie Davis,

Appellants.

PROOF OF SERVICE

I certify that I have served the Motion for Extension of Time on Appellants Dollar General Corporation, d/b/a Dollar General Store #1677 and Janie Davis by electronic mail only to their following attorneys of record:

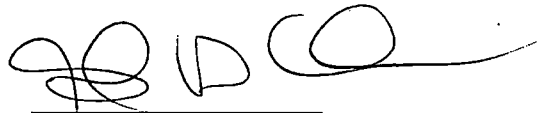
Helen F. Hiser
P.O. Box 650007
Mount Pleasant, South Carolina 29465
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trippett.boineau@mgclaw.com
michael.trask@mgclaw.com

Signature appears on following page

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A handwritten signature in black ink, appearing to read 'JD Clark', written over a horizontal line.

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Phone: (803) 775-1234
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Attorneys for Appellant

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The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office box 11629
Columbia, SC 29211

Re: *Mae McGruder v. Dollar General Corporation, d/b/a Dollar General Store #1677 and
Janie Davis*
Appellate Case No. 2023-001638

Dear Ms. Kitchings:

Enclosed please find the original of Respondent's Motion for Extension of Time and Proof of Service along with our firm's check in the amount of fifty dollars (\$50.00) representing the filing fee in referenced to the above matter.

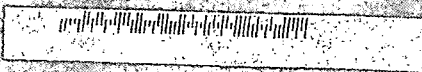
I am serving counsel for Respondent by email only.

If you have any questions or concerns, please feel free to contact me.

Very Truly Yours,

John D. Clark

cc: Helen F. Hiser, Esq.



FIRST CLASS

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CLARK
LAW FIRM, LLC
22 E. LIBERTY STREET • P.O. DRAWER 880
• SUMTER, SOUTH CAROLINA 29151 •

To:
The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office box 11629
Columbia, SC 29211

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