

RECEIVED

Feb 09 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM BERKELEY COUNTY  
Court of Common Pleas

Thomas L. Hughston, Jr., Circuit Court Judge  
Trial Court Case No. 2020-CP-08-1232

Appellant Case No. 2023-001703

Mia Anderson, on Behalf of the ..... Appellant,  
Estate of Jessie Heyward a/k/a  
Jessie Bell Anderson

v.

Richard Miles Thompson, M.D. and  
ACS Primary Care Physicians – Southeast, P.C. .... Respondents.

**MOTION TO FILE BRIEF OUT OF TIME**

Appellant, Mia Anderson, on behalf of the Estate of Jessie Heyward a/ka/a Jessie Bell Anderson respectfully requests an enlargement of time to file the attached Response in Opposition to Respondents’ Motion to Dismiss.

**Procedural Background**

Appellant’s Notice of Appeal stems from a medical malpractice case in which the jury returned a defense verdict. Respondents filed a Motion to Dismiss the Appeal on December 18, 2023. Due to the trial schedule of counsel for Appellant and Respondent, Respondents consented to an extension for Appellants to respond to the Motion to Dismiss. An extension was granted until January 29, 2024 – the date certain of the trial counsel for Appellant in another matter. On January 22, 2024, Appellant, with consent from Respondent filed a request for an

additional extension of time to respond to the Motion to Dismiss. On January 29, 2024, an additional extension was granted until February 8, 2024, without further extension unless good cause was shown. The case set for January 29, 2024 settled just prior to trial and counsel for Appellant alerted the clerk of this Court that she did not believe further extension would be necessary.

### **Discussion and Request**

Due to a clerical calendaring error, as evidenced in Exhibit 1, the response date was incorrectly calendared as February 9, 2024 in counsel for Appellant's calendar. At approximately 3:45 p.m. on February 9, 2024, counsel for Appellant realized this error when checking to see if the response was due by 5 p.m. Counsel immediately called the clerk for the Court of Appeals and left a voicemail and then consulted with Robert Wood, counsel for Respondents.

Counsel for Appellant attaches the attaches the calendar notice incorrectly calendared by her paralegal as Exhibit 1. *Misty A. Morris vs. BB&T Corporation, et al v. S.C. Workers Compensation Commission*, 483 S.C. 582, 885 S.E. 2d 294 (2023) allows this Court to extend the time for good cause shown. Although the case indicates a calendaring error in and of itself will not automatically reinstate an appeal in every instance, counsel for Appellant respectfully requests the Court to utilize its discretion and grant an enlargement of time.<sup>1</sup>

February 9, 2014

Respectfully submitted,

**SEITHEL LAW, LLC**

By: s/ Lynn Seithel

Lynn Seithel, SC Bar No.: 69728

Post Office Box 1929

---

<sup>1</sup> In anticipation that the enlargement of time is granted, Appellant is also electronically filing the Response and associated exhibits in a subsequent e-mail.

Charleston, SC 29457  
843-557-1699  
[lynn@seithellaw.com](mailto:lynn@seithellaw.com)

**LEVENTIS & RANSOM**

Frederick J. Jekel, SC Bar No.: 66491  
P.O. Box 110671  
Columbia, SC 29211  
(803) 765-2383

Attorneys for Appellant

Other attorneys of record:

Chilton Simmons  
Elizabeth Ballentine Mason  
Robert Wood  
Rogers Townsend, LLC  
205 King Street  
Charleston, South Carolina 29401  
[Chilton.Simmons@rogerstownsend.com](mailto:Chilton.Simmons@rogerstownsend.com)  
[Elizabeth.Mason@rogerstownsend.com](mailto:Elizabeth.Mason@rogerstownsend.com)  
[Robert.Wood@rogerstownsend.com](mailto:Robert.Wood@rogerstownsend.com)

Attorneys for Respondent



Lynn Seithel <lynn@seithellaw.com>

**Re: Invitation: Anderson.J; Motion for extension DUE today @ Fri Feb 9, 2024 7am - 7:30am (EST) (Lynn Seithel)**

1 message

Lynn Seithel <lynn@seithellaw.com>  
To: Tami Zeigler <tami@seithellaw.com>

Tue, Jan 30, 2024 at 9:20 AM

Response to motion to dismiss in appellate court due that day

*With good wishes and kind regards, I remain*

*Sincerely,*

*Lynn*

Lynn Seithel  
Seithel Law, LLC  
Post Office Box 1929  
John's Island, SC 29457  
843.557.1699 (direct dial)  
843.696.3256 (cell)  
800.818.5329 (toll free)  
800.818.0433 (fax)  
SeithelLaw.com  
Lynn@SeithelLaw.com

**CONFIDENTIAL AND PRIVILEGED**

Unless otherwise indicated or obvious from its nature, the information contained in this communication is attorney-client privileged and confidential information/work product. This communication is intended for the use of the individual or entity named above. If the reader of this communication is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error or are not sure whether it is privileged, please immediately notify us by return e-mail and destroy any copies--electronic, paper or otherwise--which you may have of this communication.

On Tue, Jan 30, 2024 at 9:19 AM Tami Zeigler <tami@seithellaw.com> wrote:



Join with Google Meet

**Meeting link**

meet.google.com/xrx-xwsg-otc

**Join by phone**

(US) +1 413-471-2416

PIN: 426290688

More phone numbers

**Attachments**

 PLF.ORDER.Motion.exte

**When**

Friday Feb 9, 2024 · 7am – 7:30am (Eastern Time - New York)

**Guests**

Tami Zeigler - organizer

Lynn Seithel

**View all guest info**

**Reply for** [lynn@seithellaw.com](mailto:lynn@seithellaw.com)

Yes

No

Maybe

More options

Invitation from Google Calendar

You are receiving this email because you are subscribed to calendar notifications. To stop receiving these emails, go to Calendar settings, select this calendar, and change "Other notifications".

Forwarding this invitation could allow any recipient to send a response to the organizer, be added to the guest list, invite others regardless of their own invitation status, or modify your RSVP. [Learn more](#)



Lynn Seithel <lynn@seithellaw.com>

# Updated invitation: Anderson.J; Resp.to. mot.to dismiss appellate court due ... @ Fri Feb 9, 2024 7am - 7:30am (EST) (Lynn Seithel)

1 message

**Tami Zeigler** <tami@seithellaw.com>  
Reply-To: Tami Zeigler <tami@seithellaw.com>  
To: Lynn Seithel <lynn@seithellaw.com>

Tue, Jan 30, 2024 at 10:29 AM

**This event has been updated**  
**Changed:** title

Join with Google Meet

### Meeting link

meet.google.com/xrx-xwsg-otc


### Join by phone

(US) +1 413-471-2416

PIN: 426290688

More phone numbers

### Attachments

 PLF.ORDER.Motion.exte

### When

Friday Feb 9, 2024 · 7am – 7:30am (Eastern Time - New York)

### Guests

Tami Zeigler - organizer

Lynn Seithel

[View all guest info](#)

Reply for lynn@seithellaw.com

Yes

No

Maybe

More options

Invitation from Google Calendar

You are receiving this email because you are subscribed to calendar notifications. To stop receiving these emails, go to Calendar settings, select this calendar, and change "Other notifications".

Forwarding this invitation could allow any recipient to send a response to the organizer, be added to the guest list, invite others regardless of their own invitation status, or modify your RSVP. [Learn more](#)

---

 **invite.ics**  
2K

calendar.google.com/calendar/u/0/r/week/2024/2/5?pli=1

Calendar Today < > February 2024

February 2024

S	M	T	W	T	F	S
28	29	30	31	1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	1	2
3	4	5	6	7	8	9

Meet with... Search for people

My calendars

- Lynn Seithel
- Contacts
- Liz Porath
- SOL Cal
- Tasks

Other calendars

- Holidays in United States

Calendar grid:

- SUN 4: Tami-off 4 - 5am
- MON 5: Laser 2:30 - 3:30pm; Nellie chiro 2:30 - 3:30pm; Ozempic/GLP-1 RA 2 - 3:30pm
- FRI 9: Anderson.J; Resp.to. mot.to dismiss appellate court due today Friday, February 9 - 7:00 - 7:30am
- SAT 10: Anderson.J; Resp.to. mot.

Event details for Anderson.J; Resp.to. mot.to dismiss appellate court due today:

- Join with Google Meet: meet.google.com/xrx-xwsg-otc
- Join by phone (US): +1 413-471-2416 PIN: 426 290 688#
- More phone numbers
- 2 guests: 1 yes, 1 awaiting
- Organizer: Tami Zeigler
- Attendee: Lynn Seithel
- Attachment: PLF.ORDER.Mo...
- Notification: 10 minutes before, as email; 10 minutes before
- Organizer: Tami Zeigler

Going? Yes No Maybe

Windows taskbar: 5:00 PM 2/9/2024