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Sep 11 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas  
The Honorable Jocelyn Newman, Circuit Court Judge

Case No. 2020-CP-40-02330  
Appellate Case No.: 2024-000291

Davia Bunch and Casey Kelly, individually and on behalf of .....  
others similarly situated, .....Appellants,

v.

The University of South Carolina, ..... Respondent.

**THIRD CONSENT MOTION FOR EXTENSION OF TIME TO FILE  
RESPONDENT’S INITIAL BRIEF AND DESIGNATION OF MATTER**

Pursuant to Rules 208(a)(2) and 240 of the South Carolina Appellate Court Rules, Respondent The University of South Carolina (“Respondent”), by undersigned counsel and with the consent of Appellants’ counsel, respectfully requests a 30-day extension of time to file Respondent’s Initial Brief and Designation of Matter. This is the third request for an extension of this deadline. Pursuant to the Court’s August 13, 2024 Order, Respondent’s current deadline is September 18, 2024. The 30-day extension would make the Respondent’s Initial Brief and Designation of Matter due on October 18, 2024.

Respondent requests this extension for the following reasons. After this appeal was initiated earlier this year, two counsel of record who had been heavily involved in this case for several years left the Firm unexpectedly and with very limited notice. The departing counsel had participated extensively in the defense of this matter and especially in drafting the motion for

summary judgment motion at issue in this appeal. The departing counsel also had to be replaced on numerous other cases in which they had participated, while the remaining counsel of record have worked to meet other pressing client demands and court deadlines with temporarily limited staffing. Finding replacement counsel on this appeal has simply taken several months as one attorney could not begin work on this appeal until finishing existing priority assignments, and a new attorney was hired to assist, but first had to complete a judicial clerkship before he could join the firm. During this transition period, the undersigned lead counsel also contracted Covid-19 and was significantly impaired during most of August.

All counsel in this matter have worked together professionally and amicably over the entire course of this litigation, and Appellant's counsel has graciously agreed to this extension request, which is intended to be the final such motion.

Accordingly, Respondent respectfully moves this Court for a 30-day extension of time to file its Respondent's Initial Brief and Designation of Matter until October 18, 2024. The requested extension will not prejudice any party. Respondent respectfully requests the Court hold the current deadline in abeyance pending the Court's consideration of this Motion.

Respectfully submitted,

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: s/ ROBERT H. BRUNSON

Robert H. Brunson  
SC Bar No. 11987  
E-Mail: robert.brunson@nelsonmullins.com  
151 Meeting Street / 6th Floor  
Post Office Box 1806 (29402-1806)  
Charleston, SC 29401  
(843) 853-5200

B. Rush Smith III  
SC Bar No. 12941  
E-Mail: rush.smith@nelsonmullins.com  
1320 Main Street / 17th Floor  
Post Office Box 11070 (29211-1070)  
Columbia, SC 29201  
(803) 799-2000

*Attorneys for Respondent, The University of South Carolina*

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**CERTIFICATE OF SERVICE**

The undersigned counsel for Respondent certifies that on September 11, 2024, copies of the Third Consent Motion for Extension of Time to File Respondent’s Initial Brief were served on counsel for Appellant via email to the following counsel of record:

Counsel Served: Daniel R. Dalton (SC Bar No. 103752)  
MICKELSEN DALTON LLC  
25 Society Street  
Charleston, SC 29401  
[danny@mickelsendalton.com](mailto:danny@mickelsendalton.com)

Bradley W. Pratt, Esq. (*pro hac vice*)  
BAYUK PRATT, LLC  
4401 Northside Parkway NW, Ste. 390  
Atlanta, GA 30327  
[bradley@prattclay.com](mailto:bradley@prattclay.com)

Nathan D. Chapman, Esq. (*pro hac vice*)  
KABAT CHAPMAN & OZMER LLP

171 17th Street NW, Suite 1550  
Atlanta, GA 30363  
[nchapman@kcozlaw.com](mailto:nchapman@kcozlaw.com)

*Attorneys for Appellants*

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: s/ ROBERT H. BRUNSON

Robert H. Brunson  
SC Bar No. 11987  
E-Mail: [robert.brunson@nelsonmullins.com](mailto:robert.brunson@nelsonmullins.com)  
151 Meeting Street / 6th Floor  
Post Office Box 1806 (29402-1806)  
Charleston, SC 29401  
(843) 853-5200

B. Rush Smith III  
SC Bar No. 12941  
E-Mail: [rush.smith@nelsonmullins.com](mailto:rush.smith@nelsonmullins.com)  
1320 Main Street / 17th Floor  
Post Office Box 11070 (29211-1070)  
Columbia, SC 29201  
(803) 799-2000

*Attorneys for Respondent The University of South Carolina*

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