

THE STATE of SOUTH CAROLINA  
In the Court of Appeals

---

APPEAL FROM CHESTER COUNTY  
Court of Common Pleas

John C. Hayes, III, Circuit Court  
Brian M. Gibbons, Circuit Court Judge  
J. Mark Hayes, II, Circuit Court Judge

---

Appellate Case Nos. 2022-001312 and 2022-001390

Trial Court Case Nos. 2018CP1200117 and 2018CP1200074

Heidi Gersten, Ivanka Ayoub, Daniel Hubbard, Plaintiffs,

Of whom Heidi Gersten is the Appellant,

v.

Kevin Carter, Richard Davis, Joseph Tirbovich, Nationwide Insurance Company, Interinsurance Exchange of the Automobile Co, John Ammendola, Trustgard Insurance Company, Blackwell, SC Department of Public Safety, Chevrolet, GMC, Unknown John Does, Respondents.

Of whom Kevin Carter is the Respondent.

---

MOTION for LEAVE to AMEND And to ACCEPT AMENDED  
APPELLANT’S TITLE II of the AMERICANS with DISABILITIES ACT (“ADA”)  
REASONABLE ACCOMMODATION REQUEST to ACCEPT And GRANT  
APPELLANT’S REQUEST and MOTION for an EXTENSION OF TIME to FILE REPLY to  
RESPONDENT’S RETURN TO APPELLANT’S MOTION FOR REINSTATEMENT

---

Heidi Gersten, Appellant  
All Rights Reserved without Prejudice  
1438 W. Lantana Rd. #330  
Lantana, FL 33462  
323-245-6142  
hanginhangout@gmail.com

The Appellant Heidi Gersten (“GERSTEN”) in the above-captioned case, hereby requests and moves this South Carolina Court of Appeals (“COURT”), to accept and grant this motion for leave to amend and to accept as timely filed her amended Title II of the ADA Reasonable Accommodation Request to accept and grant her request and motion for extension of time to file reply to the Respondent Kevin Carter’s (“CARTER”) return to her motion for reinstatement pursuant of/to The Golden Rule, Title II of the ADA Reasonable Accommodation Request, S.C. App. Ct. R. 240, and S.C. App. Ct. R. 263(a), as well as any and all applicable law, seeking a grant of her request and motion to accept as timely filed and grant the request and motion for an extension of time of an additional five (5) business days, excluding weekend days of Saturday and Sunday and holidays, up until and including December 3, 2024, to file her reply to the Respondent Kevin Carter’s (“CARTER”) return to GERSTEN’s motion for reinstatement filed on November 15, 2024.

The grounds, reasons, and basis for this request and motion are set forth in the attached memorandum in support.

Respectfully submitted this 25th of November 2024,

\_\_\_\_\_/S/Heidi Gersten\_\_\_\_\_  
Heidi Gersten, Appellant  
All Rights Reserved Without Prejudice  
1438 W. Lantana Rd. #330  
Lantana, FL 33462  
323-245-6142  
hanginhangout@gmail.com

MEMORANDUM IN SUPPORT OF  
MOTION for LEAVE to AMEND And to ACCEPT AMENDED  
APPELLANT’S TITLE II of the AMERICANS with DISABILITIES ACT (“ADA”) REASONABLE ACCOMMODATION REQUEST to ACCEPT And GRANT  
APPELLANT’S REQUEST and MOTION for an EXTENSION OF TIME to FILE REPLY to  
RESPONDENT’S RETURN TO APPELLANT’S MOTION FOR REINSTATEMENT

1. On November 22, 2024, GERSTEN filed a TITLE II of the AMERICANS with DISABILITIES ACT (“ADA”) REASONABLE ACCOMMODATION REQUEST to accept and grant Appellant’s request and motion for an extension of time to file reply to Respondent’s return to Appellant’s motion for reinstatement.

2. The original request and motion were made on November 22, 2024, before the expiration of time permitted under The Golden Rule, Title II of the ADA Reasonable Accommodation Request, and Rules 240 and 263(a), SCACR, as well as any and all applicable law, and now amended to correct the date of filing to December 3, 2024, in accordance with state holidays.

3. CARTER and other Respondents are not prejudiced; a remittitur should not be issued at this time.

4. This reasonable request and motion are not made for the purposes of delay, rather in the interest and furtherance of justice and to prevent and avoid its miscarriage.

THEREFORE, having shown good cause for the previous reasons, GERSTEN respectfully requests and moves this COURT to accept as timely filed her Amended TITLE II of the AMERICANS with DISABILITIES ACT (“ADA”) REASONABLE ACCOMMODATION REQUEST to ACCEPT And GRANT APPELLANT’S REQUEST and MOTION for an EXTENSION OF TIME to FILE REPLY to RESPONDENT’S RETURN TO APPELLANT’S MOTION FOR REINSTATEMENT.

Respectfully submitted this 25<sup>th</sup> day of November 2024,

/S/Heidi Gersten

Heidi Gersten, Appellant  
All Rights Reserved Without Prejudice  
1438 W. Lantana Rd. #330  
Lantana, FL 33462  
(323) 245-6142  
hanginhangout@mail.com

Other Counsel of Record  
Wesley Brian Sawyer, Esquire (SC Bar # 100229)  
Murphy & Grantland, P.A.  
4406-B Forest Drive  
Columbia, SC 29206  
P.O. Box 6648  
Columbia, SC 29260  
(803) 782-4100  
wsawyer@murphygrantland.com  
(Attorney for Respondents Kevin Carter and Richard Davis)

Pamela J. Larson, Esquire  
WOMBLE BOND DICKINSON (US) LLP  
5 Exchange St.  
Charleston, SC 29401-2948  
PO Box 999  
Charleston, SC 29402  
(843) 213-5519  
(843) 720-4630  
pamela.larson@wbd-us.com  
(Attorney for Respondents Nationwide Mutual Insurance Company and Joseph Tirbovich)

Shelley S. Montague, Esquire  
Jessica W. Laffitte, Esquire  
Gallivan, White & Boyd, P.A.  
P.O. Box 7368  
Columbia, SC 29202  
smontague@gwblawfirm.com  
jlaffitte@gwblawfirm.com  
(Attorneys for Respondents Trustgard Insurance Company and John Ammendola)

William H. Davidson, II, Esquire  
Davidson, Wren & Plyler, P.A. & DeMasters  
P.O. Box 8568  
Columbia, SC 29202  
wdavidson@dml-law.com  
(803)806-8222  
(Attorney for Respondents SC Dept. of Public Safety and Herbert Blackwell)

Reynolds Williams  
P.O. Box 1909  
Florence, SC 29503-1909  
(843) 662-3258  
reynolds@willcoxlaw.com  
(Attorney for Respondent Interinsurance Exchange of the Automobile Club)

---

PROOF OR CERTIFICATE OF SERVICE

---

I hereby certify that service of a true and accurate copy of the MOTION for LEAVE to AMEND And to ACCEPT AMENDED APPELLANT'S TITLE II of the AMERICANS with DISABILITIES ACT ("ADA") REASONABLE ACCOMMODATION REQUEST to ACCEPT And GRANT APPELLANT'S REQUEST and MOTION for an EXTENSION OF TIME to FILE REPLY to RESPONDENT'S RETURN TO APPELLANT'S MOTION FOR REINSTATEMENT, [Total of Seven ( 7) Pages including this PROOF OR CERTIFICATE OF SERVICE] in the above-captioned cases was made upon all parties and counsel of record by email, per Court order, on November 25, 2024:

Wesley Brian Sawyer, Esquire  
wsawyer@murphygrantland.com  
(Attorney for Respondents Kevin Carter and Richard Davis)

Pamela J. Larson, Esquire  
Pamela.larson@wbd-us.com  
(Attorney for Respondent Nationwide Mutual Insurance Company and Joseph Tirbovich)

Shelley S. Montague, Esquire  
Jessica W. Laffitte, Esquire  
smontague@gwblawfirm.com  
jlaffitte@gwblawfirm.com  
(Attorneys for Trustgard Insurance Company and John Ammendola)

William H. Davidson, II, Esquire  
wdavidson@dml-law  
(Attorney for Respondents SC Dept. of Public Safety and Herbert Blackwell)

Reynolds Williams  
reynolds@willcoxlaw.com  
(Attorney for Respondent Interinsurance Exchange of the Automobile Club)

Email addresses listed sent by ctappfilings@sccourts.org

jcobb@gwblawfirm.com  
pholland@gwblawfirm.com  
dblack@murphygrantland.com  
thumphries@willcoxlaw.com  
carla.cerchione@wbe-us.com  
nbouknight@dml-law.com

Respectfully submitted this 25<sup>th</sup> day of November 2024

\_\_\_\_\_/S/Heidi Gersten\_\_\_\_\_  
Heidi Gersten, Appellant, All Rights Reserved  
1438 W. Lantana Rd. #330  
Lantana, FL 33462  
(323) 245-6142  
hanginhangout@gmail.com