

RECEIVED

Dec 09 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE 10th CIRCUIT COURT OF COMMON PLEAS
The Honorable G.D. Morgan, Circuit Court Judge
The Honorable Mary Frances Cole, Magistrate Court Judge

Appeal No.: 2024-001383

Melody Gant Respondent

v.

Elizabeth M. Kern AKA Elizabeth Kern-Gibson Appellant

MOTION TO ACCEPT BRIEF OUT OF TIME

The undersigned attorney, on behalf of the Appellant, petitions this Court to Accept Appellant's Initial Brief Out of Time appeal for good cause shown.

As grounds for this Motion, the undersigned asserts as follows:

My mother and step father (who live in Florida) have both suffered from a number of medical issues requiring extra help for the last 6 months. My step father has COPD and came down with Pneumonia and Covid at the same time. When he got to where he could barely breath my mother put him in the car to go to the ER. After she dropped him off and parked the car, and was walking to the ER, she tripped over a high curb and fell, breaking her pelvis in 2 places.

My stepfather has had 4 months of stays in hospitals for him as he fought the pneumonia and other maladies. The very long stay in hospital beds led to him getting very weak and his

kidneys ended up mostly shutting down leading to weeks of dialysis treatments before his kidneys restarted working enough. He had to undergo surgery to remove the infection from his lungs and then was sent to a rehab facility to learn to get about with the aid of a walker. The night before he was to come home from rehab, his breathing rate shot through the roof and he was transported back to the ER.

There have been a few more setbacks and we just got him back from ANOTHER hospital stay yesterday.

Given all of this, I have not been able to timely tend to this matter, for good cause. I am a sole practitioner and I have asked a colleague of mine in Columbia to take this case over and expect soon to be filing a Motion to Substitute Counsel.

I apologize for the oversight in this matter and assert I have timely complied with the Court's letter of November 26, 2024, and ask that the Court not penalize my client for my family's issues.

I so pray.

s/Howard E. Sutter III, Esq.
Howard E. Sutter III, Esq., SC Bar #71774
Sutter Law Firm, LLC
200 East Main Street
Easley, South Carolina 29640
HSutter@SutterLawSC.com

December 6, 2024

ATTORNEYS FOR APPELLANT