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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM MARION COUNTY
Court of Common Pleas

The Honorable Thomas L. Hughston, Jr.

Common Pleas Case No.: 2020-CP-33-00277
Appellate Case No.: 2024-000632

Bevance Lynch,

Respondent,

v.

Bertha E. Dunham,

Appellant.

**APPELLANT'S MOTION TO FILE AMENDED INITIAL BRIEF &
MOTION TO STAY REPLY BRIEF DEADLINE**

NOW COMES, Appellant, Bertha Dunham, by and through her attorney, Paul B. Ferrara, III, Esq. for an order allowing appellant to amend her initial brief for the reasons set forth below.

This motion is based upon good cause in that the filed initial brief of appellant contains an inadvertent argument and refence to the overruled summary judgment “mere scintilla standard” as established in the case of Hancock v. Midsouth Mgmt. Co., 381 S.C. 326 (2009). The “mere scintilla standard” as elicited in Appellant’s initial brief was overruled by *Kitchen Planners, LLC v. Friedman*, 440 S.C. 456, 892 S.E.2d 297 (2023). Appellant is requesting an Order granting leave to amend her initial brief to comport with current case law and remove all references to Hancock v. Midsouth Mgmt. Co., 381 S.C. 326 (2009). Furthermore, Appellant seeks a stay

of the deadline to file her reply brief based upon the outcome of this motion.

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/s Paul B. Ferrara, III

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Attorney for Appellant

December 6, 2024

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SC Court of Appeals

NOTICE OF APPEAL IN A CIVIL CASE

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM MARION COUNTY
Court of Common Pleas

Thomas L. Hughston, Circuit Court Judge

Case No.: 2020-CP-33-00277

Appellate Case No.: 2024-000632

Bevance Lynch,

Respondent,

v.

Bertha E. Dunham,

Appellant.

PROOF OF SERVICE

I certify that I have served a copy of Appellant's motion to amend initial brief and motion to stay reply brief to be included in the record on appeal by emailing a copy to Mr. Jake Kennedy Esq. at jake@kennedysc.com, on December 6, 2024.

/s Paul B. Ferrara, III
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