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Feb 11 2025

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Deadra L. Jefferson, Circuit Court Judge

Appellate Case No.: 2024-001698

Patricia P. McGougan and
Edgar McGougan, Appellants,

v.

Richard F. Frisch, M.D., Timothy
E. West, M.D., The Southeastern
Spine Institute, L.L.C., and
Lowcountry Infectious
Diseases, P.A. Respondents.

**MOTION FOR SECOND EXTENSION OF TIME
TO FILE INITIAL APPELLANTS' BRIEF**

Pursuant to Rule 263 of the South Carolina Rules of Appellate Procedure, Appellants Patricia P. McGougan and Edgar McGougan move for a 21-day extension of time to file the Initial Appellants' Brief. The current deadline is February 12, 2025, and the proposed extended deadline would be March 5, 2025. This is Appellant's second extension request and is based on the following grounds:

1. Appellants received the circuit court trial transcript on December 13, 2024.

2. In the course of preparing the Initial Appellants' Brief, Appellants' counsel identified substantial omissions from the transcript, including witnesses whose testimony are directly relevant to the matters at issue on appeal.
3. After several conversations with representatives from Legal Eagle, Inc., the entity which provided the transcript, Appellants' counsel learned on February 7, 2025, that a recording of one portion of the trial had not been submitted by the circuit court to Legal Eagle for inclusion in the transcript.
4. On February 11, 2025, Legal Eagle reported it had received the recording in question and would process a corrected transcript on an expedited basis.
5. An affidavit of Legal Eagle Director of Operations Kevin Dehlinger explaining the matter is attached as **EXHIBIT 1**.
6. Dehlinger reports the corrected transcript will be completed no later than February 24th.
7. Appellants request an additional 21 days so as to permit them adequate time to receive the corrected transcript and to incorporate it into their brief.

Respectfully submitted,

/s/ Jordan C. Calloway
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Attorneys for Appellants

February 11, 2025
Rock Hill, SC

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that, on February 11, 2025, he served Respondents' counsel with the Motion for Second Extension at the email addresses listed below pursuant to Rule 262(c)(3), SCACR and Section (d)(1) of the South Carolina's Supreme Court's August 25, 2021 order (Order No. 2021-08-25-02):

tsmyth@smythwhitley.com
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/s/ Jordan C. Calloway
Attorney for Appellant


P. McGowan v. Frisch et al. (Appellate Case No 2024-001698)

From Jordan Calloway <jordan@mcgowanhood.com>

Date Tue 2/11/2025 1:17 PM

To tsmyth@smythwhitley.com <tsmyth@smythwhitley.com>; Allie Maples <amaples@smythwhitley.com>; james.hood@hoodlaw.com <james.hood@hoodlaw.com>; brian.kern@hoodlaw.com <brian.kern@hoodlaw.com>

Cc Dan Luginbill <dluginbill@mcgowanhood.com>; Julia Flumian <jflumian@mcgowanhood.com>

 2 attachments (111 KB)

P. McGowan--Mtn for Second Extension (Initial Appellant's Brief) PDF.pdf; Exhibit 1--Affidavit - Legal Eagle - McGowan v Frisch 2-11-25.pdf;

Counsel:

I am attaching Appellants' Motion for Second Extension (and exhibit) that are being electronically filed today with the South Carolina Court of Appeals. Pursuant to Rule 262(c)(3), SCACR and Section (d)(1) of the South Carolina Supreme Court's August 25, 2021, order (Order No. 2021-08-25-02), please consider this email as service for the motion.

Thanks,

Jordan Calloway
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