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Mar 13 2025

SC Court of Appeals

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHESTER COUNTY
Court of Common Pleas

Brian M. Gibbons, Circuit Court Judge

2025-UP-074 (S.C. Ct. App. filed Feb. 24, 2025)

Appellate Case No. 2023-000654
Trial Court Case No. 2020-CP-12-00207

Alexis Jones,.....Respondent-Appellant,

v.

Progressive Northern Insurance Company.....Appellant-Respondent.

**MOTION TO ACCEPT PETITION
FOR REHEARING OUT OF TIME
AND RETURN TO MOTION TO STRIKE**

Pursuant to Rules 240 and 263, SCACR, Respondent-Appellant Alexis Jones respectfully requests that this Court deny the Motion to Strike filed by Appellant-Respondent on March 13, 2025, and accept her Petition for Rehearing, Ms. Jones calendared the date for the Petition as Thursday, March 13, 2025 instead of Tuesday, March 11, 2025. Ms. Jones actually delivered her Petition on Wednesday, March 12, 2025, believing it to be one day early. Progressive asserts in its motion to strike that the Petition was one day late.

The Clerk delivered the opinion to all counsel on Wednesday, February 26, 2025. The cover letter is also dated February 26, 2025, alerts counsel of the filing of the opinion. The

Opinion, however, contains the date “February 24, 2025.” Counsel has verified this is a typographical error in the opinion. Out of an abundance of caution counsel is filing this Motion and Return.

Rule 263(b), SCACR, permits this Court or any member thereof to extend any deadline under the SCACR except for the deadline for serving a notice of appeal. *Wells Fargo Bank v. Fallon Properties SC*, 413 S.C. 642, 776 575 (Ct. App. 2015). The appellate courts normally file opinions (other than family court opinions involving children) on Wednesdays, meaning the 15-day deadline would have been two weeks plus one day, or on Thursday. However, the opinion indicates the Court filed this opinion on a Monday (February 24, 2025). The opinion was not communicated to counsel until Wednesday, February 16, 2025. The undersigned was dealing with a family medical emergency out of town and out of habit calendared the Petition for Thursday, March 13, 2025, and not Tuesday, March 11, 2025.

The Petition was timely. Even if it was one day late, there is no prejudice to the Appellant-Respondent nor does a one-day delay interfere with the Court’s administration of its roster. Furthermore, contrary to the Motion to Strike, while it is general practice to do so, there is no requirement that a party seek an extension prior to the expiration of the deadline found in Rule 221(a), SCACR.

Respondent-Appellant Jones respectfully requests that the Court deny the Motion to Strike filed by Progressive and accept the Petition for Rehearing filed March 12, 2025, in the event the Court deems it untimely, thereby extending the deadline by one day. Ms. Jones also requests that the Court accept the Petition as conditionally filed pending a ruling on this Motion and Return.

Respectfully submitted,

/s/ John S. Nichols

John S. Nichols, Esquire

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Attorneys for Respondent-Appellant

March 13, 2025

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Alexis Jones,Respondent-Appellant,

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Progressive Northern Insurance Company.....Appellant-Respondent.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the date indicated below, she served counsel for the Appellant-Respondent with a copy of the Respondent-Appellant's *Motion to Accept Petition for Rehearing Out of Time and Return to Motion to Strike* by email only to the following:

J.R. Murphy, Esq.
jrmurphy@murphygrantland.com

Megan Walker, Esq.
mwalker@murphygrantland.com


Meredith Brown, Legal Assistant

March 13, 2025
Columbia, South Carolina

Meredith Brown

From: Meredith Brown
Sent: Thursday, March 13, 2025 12:38 PM
To: jrmurphy@murphygrantland.com; mwalker@murphygrantland.com
Cc: John Nichols; J. Logan Cannon
Subject: Alexis Jones v Progressive Northern Insurance Company Case No. 2023-000654
Attachments: 2025.03.13- Motion and Return.pdf

Dear Counsel,

Please find enclosed a Motion to Accept Petition for Rehearing Out of Time and Return to Motion to Strike in the above referenced matter.

Thank you,
Meredith

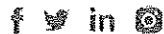


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SC Court of Appeals

VIA EMAIL & HAND DELIVERY

The Honorable Jenny A. Kitchings
Clerk of Court
South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201

RE: Alexis Jones vs. Progressive Northern Insurance Company
Case No: 2023-000654

Dear Ms. Kitchings,

Please find enclosed for filing a *Motion to Accept Petition for Rehearing out of time and Return to Motion to Strike* with a proof of the *Certificate of Service*, in the above referenced matter.

Please note a \$50.00 filing fee check along with the Motion and Return, will be hand delivered today to the South Carolina Court of Appeals.

Thank you for your attention to this matter. If you have any questions or need any additional information, please do not hesitate to contact me.

Sincerely,



Meredith Brown
Legal Assistant to John S. Nichols
Bluestein Thompson Sullivan, LLC

/mb

Enclosures

cc: John Nichols, Esq. john@bluesteinattorneys.com
J. Logan Cannon, Esq. cannon@shawcannon.com
J.R. Murphy, Esq. jrmurphy@murphygrantland.com
Megan Walker, Esq. mwalker@murphygrantland.com