

**RECEIVED**

**Mar 28 2025**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

Deadra L. Jefferson, Circuit Court Judge

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Appellate Case No. 2024-001698

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Patricia P. McGougan and Edgar McGougan,

Appellants,

v.

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

Respondents.

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**RESPONDENTS' MOTION FOR EXTENSION OF TIME TO FILE INITIAL BRIEF**

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Respondents Timothy E. West, M.D. and Lowcountry Infectious Diseases, P.A. (collectively, "these Respondents"), move this Honorable Court for an extension of time within which to prepare their Initial Brief. This is these Respondents' first motion for an extension of time. In support of their Motion, these Respondents submit:

1. On October 9, 2024, Appellants filed and served their Notice of Appeal.
2. On January 9, 2025, this Honorable Court granted Appellant's first motion for an extension of time to file its Initial Brief and Designation of Matter to February 12, 2025.
3. On February 11, 2024, this Honorable Court granted Appellant's second motion for an extension of time to file its Initial Brief and Designation of Matter to March 5, 2025.

4. On March 5, 2025, Appellants filed and served their Initial Brief and Designation of Matter. As a result, Respondents' Initial Brief and Designation of Matter is now due on April 5, 2025, which is a Saturday.
5. Due to the press of other litigation matters, these Respondents need additional time to prepare and file their Initial Brief. Respondents do not make this Motion for the purpose of prejudice or needless delay and believe that the extension will enable Respondents to file an Initial Brief that will promote a more efficient judicial resolution of this matter.
6. Accordingly, Respondents request an additional thirty (30) days to file their Initial Brief, or until Monday, May 5, 2025.

WHEREFORE, having fully set forth the grounds for the Motion, Respondents move for an Order granting an extension of time of thirty (30) days to file and serve their Initial Brief and Designation of Matter no later than May 5, 2025.

Respectfully submitted,

s/Todd W. Smyth  
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*Attorneys for Respondents Timothy E. West, M.D.  
and Lowcountry Infectious Diseases, P.A.*

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and Lowcountry Infectious Diseases, P.A.,

Respondents.

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**PROOF OF SERVICE**

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I certify that I have served Respondents' Motion for Extension of Time to file these Respondents' Initial Brief and Designation of Matter electronically on March 28, 2025, to all counsel of record as listed below:

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*Attorneys for Respondents Richard F. Frisch, M.D.  
and The Southeastern Spine Institute, LLC*

*Attorneys for Appellants*

PROOF OF SERVICE  
Appellate Case No. 2024-001698

s/Todd W. Smyth  
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*Attorneys for Respondents Timothy E. West,  
M.D., and Lowcountry Infectious Diseases,  
P.A.*

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SC Court of Appeals



SMYTH WHITLEY, LLC  
ATTORNEYS AT LAW

March 28, 2025

**VIA EMAIL ONLY**

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, SC 29211

Re: *Patricia P. McGougan and Edgar McGougan v. Richard F. Frisch, M.D. et al.*  
Appellate Case No.: 2024-001698

Dear Ms. Kitchings:

Enclosed for service, please find Respondents' Timothy E. West, M.D. and Lowcountry Infectious Diseases, P.A.'s request for a thirty (30) day extension of time to file their Initial Brief and Designation of Matter, which was originally due on Saturday, April 5, 2025. As detailed in our Motion, Respondents seek a brief extension to file their Initial Brief and Designation of Matter by Monday, May 5, 2025. Please contact me with any questions or concerns. Our \$50.00 filing fee is being sent via U.S. Mail. We sincerely appreciate your consideration of our Motion.

Very truly yours,

Todd W. Smyth

TWS:cmr

Enclosure

cc: all counsel of record (via email only)

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Todd W. Smyth

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