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Apr 21 2025

SC Court of Appeals

**THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

Appeal from Orangeburg County
Court of Common Pleas

Maite Murphy, Circuit Court Judge

Case No. 2022-CP-38-00525

Beverly Vaughn,
as Personal Representative of the Estate of Loris Paris,

Respondent,

v.

Saint Matthews Healthcare, LLC; Melissa Kizer;
Melissa Davis; and Angela Smith Teliha,

Defendants,

Of which Saint Matthews Healthcare, LLC;
Melissa Kizer; and Melissa Davis, are the

Appellants.

**APPELLANTS' MOTION FOR LEAVE TO MOVE OUT OF TIME TO
EXTEND THE TIME TO FILE/SERVE INITIAL BRIEF OF APPELLANT**

CLEMENT RIVERS, LLP
Stephen L. Brown (SC Bar No. 66468)
D. Jay Davis Jr. (SC Bar No. 12084)
James D. Gandy III (SC Bar No. 11925)
Russell G. Hines (SC Bar No. 72100)
25 Calhoun Street, Suite 400
Charleston, South Carolina 29401
P.O. Box 993 (29402)
(843) 720-5488

Attorneys for Appellants

COMES NOW Appellants Saint Matthews Healthcare, LLC; Melissa Kizer; and Melissa Davis, by and through their undersigned counsel, and, on the grounds set forth below, hereby move this Honorable Court (a) to grant them leave to file/serve the within motion, out of time, to extend the time for filing/serving their initial brief and designation of matter to be included in the record on appeal; and (b) to grant them a first extension of 30 days' time.

The undersigned counsel ordered two transcripts relating to this appeal on February 24, 2025. The first transcript was received on March 3, 2025 and the second transcript was received on March 12, 2025. Through inadvertence, the email with the second transcript was overlooked and therefore the undersigned never notified the court of the transcripts' receipt, or calendared the time to file/serve the initial brief or otherwise move for an extension of time, which ran on April 11, 2025.

With apologies to the Court and opposing counsel for this oversight, the undersigned humbly submits that good cause exists to grant the relief requested herein, which relief, the undersigned submits, is in the interests of justice and will not cause any undue prejudice to Respondent. The undersigned would assure the Court that the aforementioned oversight was simply the result of inadvertence and by no means reflective of any intentional disregard for the proper appellate process.

In the 19 years in which the undersigned has regularly practiced in this Court, it has been his experience that the Court has generally graciously allowed parties two extensions of the time for most deadlines. Notwithstanding the unusual way (procedurally speaking) in which it is being sought herein, in terms of actual time, the Court's allowance of the additional time requested herein (which is, ultimately, an extension of time through May 12, 2025) keeps this appeal on the

same schedule as it would have been on had Appellants timely requested a first 30-day extension on April 11, 2025.

Besides the foregoing explanation of the aforementioned oversight, the additional time requested herein is being requested because of other time commitments (work-related and non-work-related).

Wherefore, the undersigned hereby moves this Honorable Court (a) to grant them leave to file/serve the within motion to extend, out of time, the time for filing/serving their initial brief and designation of matter to be included in the record on appeal; and (b) to grant them a first extension of 30 days' time to May 12, 2025. Moreover, the undersigned asks that the Court hold Appellants' initial briefing deadline in abeyance until it rules upon the foregoing requests for relief.

Respectfully submitted,
CLEMENT RIVERS, LLP

By: s/Russell G. Hines

Stephen L. Brown (SC Bar No. 66468)
D. Jay Davis, Jr. (SC Bar No. 12084)
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Attorneys for Appellants

Charleston, South Carolina

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Of which Saint Matthews Healthcare, LLC;
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Appellants.

PROOF OF SERVICE

CLEMENT RIVERS, LLP
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Attorneys for Appellants

I, Russell G. Hines, of Clement Rivers, LLP, attorneys for Appellants, hereby certify that **APPELLANTS' MOTION FOR LEAVE TO MOVE OUT OF TIME TO EXTEND THE TIME TO FILE/SERVE INITIAL BRIEF OF APPELLANT** was served on Respondent on April 21, 2025, by emailing (see attached email) a copy of the same to counsel of record:

Joshua P. Cantwell, Esquire
CANTWELL LAW FIRM, LLC
josh@cantwelllawfirm.org

Attorney for Respondent

Respectfully submitted,
CLEMENT RIVERS, LLP

By: s/Russell G. Hines
Russell G. Hines (SC Bar No. 72100)
Attorneys for Appellants

Charleston, South Carolina

April 21, 2025

Bell, Pollyana (Polly)

From: Bell, Pollyana (Polly)
Sent: Monday, April 21, 2025 3:56 PM
To: Josh Cantwell
Cc: Justman, Aimee; Hines, Russell
Subject: Vaughn v. St. Matthews; Appellate Case No. 2025-000296 (CR 210705)
Attachments: Motion for Leave to Move Out of Time-Initial Brief.pdf

Enclosed please find Appellants' Motion for Leave to Move Out of Time to Extend the Time to File/Serve their Initial Brief for service upon you in the above-referenced matter.

Thank you,

Pollyana Bell

Legal Secretary to Stephen L. Brown,
Russell G. Hines, Stephen A. Griffith, Jr.
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