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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM YORK COUNTY
Court of Common Pleas

Honorable Grace Gilchrist Knie, Circuit Court Judge

Appellate Case No. 2024-001042
Case No.: 2019-CP-46-01258

Rachel Sanders, Respondent,

v.

Novant Health, Inc., Terracon Consultants, Inc., Panther Heating and Cooling, Inc., Modern Construction of South Carolina, LLC, Southern Realty, LLC, and, in their Individual capacities, George White, MD, Nicholas Tuttle, MD, and Malcolm Marion, MD, Defendants

Of which Modern Construction Services, LLC is the Appellant.

**APPELLANT MODERN CONSTRUCTION SERVICES, LLC'S MOTION TO HOLD
THE DEADLINE FOR FILING ITS REPLY BRIEF IN ABEYANCE, OR IN THE
ALTERNATIVE, MOTION FOR EXTENSION OF TIME**

Pursuant to 240(a) and Rule 263(b) of the South Carolina Appellate Court Rules, Appellant Modern Construction Services, LLC ("MCS") respectfully moves the Court for an Order holding MCS's deadline for filing its Reply Brief to Respondent Rachel Sanders' ("Sanders") Initial Brief in abeyance until fifteen (15) days from the date Sanders serves MCS with an Amended Initial Respondent's Brief. Alternatively, MCS requests the Court enter an order extending its deadline to file its Reply Brief and Record on Appeal by fifteen (15) days. Granting MCS's request for a fifteen day extension of time would make MCS's Reply Brief due on May 9, 2025.

MCS filed its Initial Brief in this appeal on January 13, 2025. Thereafter, Sanders filed a Motion for an Extension of Time within which to file Respondent's Initial Brief.

The Court granted Sanders' Motion and extended its deadline to file Respondent's Initial Brief to April 14, 2025.

On April 14, 2025, Sanders filed Respondent's Initial Brief and Designation of Matter to be included in the Record on Appeal. After reviewing Sanders filings, MCS filed a Notice of Non-Compliance and Motion to Compel Sanders to file an Amended Respondent's Initial Brief on the grounds that the "citations" and/or "references" to transcripts in Sanders' Initial Brief do not comply with Rule 208(b)(4) of the South Carolina Appellate Court Rules, SCACR. Sanders' failure to comply with the South Carolina Appellate Court Rules hampers MCS' ability to prepare its Initial Reply Brief(s) and the Record on Appeal.

Because Sanders has not yet filed Brief that complies with the South Carolina Appellate Court Rules, MCS respectfully requests the Court issue an order holding MCS' deadline for filing its Initial Reply Brief in abeyance until Sanders files an Amended Respondent's Initial Brief that complies with the South Carolina Appellate Court Rules.

In the alternative, MCS requests the Court enter an interim order extending MCS' deadline to file its Reply Brief while the Court considers MCS' Notice of Non-Compliance and Motion to Compel, and MCS request to hold its briefing deadlines in abeyance until Sanders files an Amended Respondent's Initial Brief.

Respectfully submitted,

WINDLE TERRY BIMBO

s/ Don R. Terry

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April 21, 2025
Greenville, South Carolina