

**RECEIVED**

**Jul 18 2025**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

Milton G. Kimpson, Circuit Court Judge

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Appellate Case No. 2025-000313

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Lemuel A. Giviens,

Appellant,

vs.

South Carolina Department of Transportation,

Respondent.

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**RESPONDENT SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION'S  
MOTION FOR AN EXTENSION OF TIME  
BY WHICH IT MAY FILE ITS INITIAL BRIEF AND  
DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL**

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The Appellant in the above-captioned matter, Franklin J. Boyles, by and through his counsel, filed and served his initial brief with the Court on June 18, 2025. Accordingly, the initial brief and designation of matter to be included in the record on appeal by Respondent South Carolina Department of Transportation [SCDOT] are due July 18, 2025.

However, for the reasons stated below, Respondent SCDOT, by and through its undersigned counsel, respectfully moves this Court to extend the deadline by which it must file its initial brief and designation of matter to be included in the record on appeal by 30 days or until Monday, August 18, 2025.

Respondent SCDOT's undersigned counsel so moves in light of activity in other cases in which he has been engaged since June 18, 2025, including the following matters:

- Discovery activity in *Marquita Brimfield, v. S.C. Department of Transportation*, C/A No. 2024-CP-40-01692;
- Mediation on July 16, 2025 in *Brimfield*;
- Discovery activity in *Preston Blake Spradley, as Special Administrator for the Estate of Alena Marie Kennedy, v. The Town of S. Congaree and the S. Congaree Police Dep't*, C/A No. 2023-CP-32-03276; and
- Initial activity in the consolidated appeal of 197 matters before the South Carolina Administrative Law Court styled as *Francis Ackerman, #266928, et al. v. S.C. Department of Corrections*, ALC Docket Nos. 25-ALJ-04-0315-AP through 25-ALJ-04-0511-AP.

Respondent SCDOT's undersigned counsel, in his capacity as counsel for the South Carolina Law Enforcement Officers' Association [SCLEOA], has also been recently engaged in representing law enforcement officers involved in incidents investigated by agents and technicians from the South Carolina Law Enforcement Division [SLED].

Respondent SCDOT's undersigned counsel represents two (2) Irmo Police Department officers concerning a June 22, 2025 incident, and Respondent SCDOT's undersigned counsel has been preparing them for their upcoming interviews by SLED agents, which are currently scheduled for the week of Monday, July 21, 2025. Respondent SCDOT's undersigned counsel will attend both interviews, and SLED's investigation remains ongoing.

Respondent SCDOT's undersigned counsel represents three (3) Aiken County Sheriff's Office deputies concerning a June 29, 2025 incident. Respondent SCDOT's undersigned counsel has been preparing them for upcoming interviews by SLED agents, which are currently scheduled for the week of Monday, July 21, 2025. Respondent SCDOT's undersigned counsel will attend all three (3) interviews, and SLED's investigation remains ongoing.

Respondent SCDOT's undersigned counsel respectfully advises this Court that he consulted via email with the pro se Appellant on July 18, 2025, and the pro se Appellant graciously consents to the instant motion.

Therefore, Respondent SCDOT's undersigned counsel respectfully urges this Court to grant the instant motion, and he respectfully urges this Court to extend the deadline by which Respondent SCDOT must file its initial brief and designation of matter to be included in the record on appeal in the instant matter until Monday, August 18, 2025.

**RESPECTFULLY SUBMITTED:**

**s/Lake E. Summers**

Lake E. Summers

S.C. Bar #064146

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Columbia, South Carolina  
July 18, 2025

**ATTORNEYS FOR THE SOUTH CAROLINA  
DEPARTMENT OF TRANSPORTATION**

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**PROOF OF SERVICE**

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I certify that I have served a copy of **RESPONDENT SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION'S MOTION FOR AN EXTENSION OF TIME BY WHICH IT MAY FILE ITS INITIAL BRIEF AND DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL** upon the above-named Appellant by email to his counsel and other concerned counsel at the following addresses:

Mr. Lemuel Giviens  
465 Kings Head Court  
Irmo, South Carolina 29063  
lemuel\_giviens@yahoo.com

**RESPECTFULLY SUBMITTED:**

**s/Lake E. Summers**

Lake E. Summers

S.C. Bar #064146

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Columbia, South Carolina

July 18, 2025

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July 18, 2025

VIA EMAIL

The Honorable Jenny Abbott Kitchings  
Clerk of Court for the Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211  
ctappfilings@sccourts.org

Re: Motion for 30-Day Extension to File Respondent's Initial Brief and Designation of Matter in *Lemuel A. Giviens, Appellant, v. South Carolina Department of Transportation*, Appellate Case No. 2025-000313

Dear Ms. Kitchings:

By this letter, I respectfully submit for filing the above-referenced motion on behalf of Respondent South Carolina Department of Corrections [SCDOT]. I am serving Mr. Givens, the Appellant, a copy of this letter, SCDOT's motion, and its associated proof of service via email and United States Mail.

Pursuant to South Carolina Appellate Court Rule 240(d), no filing fee is required as SCDOT is an agency of the State of South Carolina.

Very respectfully,

s/Lake E. Summers  
Counsel for SCDOT

Enclosure(s)