

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from the South Carolina Administrative Law Court
The Honorable Robert L. Reibold Administrative Law Judge

Appellate Case No: 2025-000839

Austin Bischoff,

Appellant,

RECEIVED

SEP 04 2025

SC Court of Appeals

vs.

South Carolina Department of Education

Respondent.


**MOTION TO FILE EXTENSION REQUEST OUT OF TIME AND
MOTION FOR FIRST EXTENSION OF TIME**

The Initial Brief of Respondent and Designation of Matter were due to be served and filed on August 27, 2025. Due to a calendaring error, the Respondent mistakenly did not timely file a Motion for First Extension of Time. As a result of the calendaring error, the Respondent respectfully moves this Court to relax the requirements of Rule 242(f), SCACR, and permit the State to file a motion for a first extension of time. See Rule 263(b), SCACR (“The time prescribed by these Rules for performing any act except the time for serving the notice of appeal under Rule 203 and 243 may be extended or shortened by the appellate court, or by any judge or justice thereof.”). The undersigned counsel apologizes for any inconvenience this request has caused to the Court and to the Petitioner and does not believe this request will result in any prejudice to the Petitioner should it be granted.

Additionally, Respondent moves this Court for a thirty-day extension of time within which to file and serve the Initial Brief of Respondent. This is the Respondent's first request for an extension in this matter. This extension is not intended for purposes of delay but is necessitated by a heavy workload and recent staffing turnover within the South Carolina Department of Education. The Respondent therefore asks this Court to accept its motion for an extension of time out of time and to grant an extension of time within which to serve and file the Initial Brief of Respondent and Designation of Matter.

WHEREFORE, Respondent prays that the Court relax the requirements of Rule 242(f), SCACR; accept the filing of the Motion for First Extension of Time Within Which to Serve and File the Initial Brief of Respondent and Designation of Matter out of time; extend the deadline for the service and filing of the Initial Brief of Respondent and Designation of Matter in this case for thirty (30) days from the date such relief is granted; and for such other and further relief as the Court may deem just and proper.

Respectfully Submitted,



V. Henry Gunter, Esq., Attorney for Respondent
South Carolina Department of Education
849 Learning Lane
West Columbia, SC 29172
803-734-8105
vhgunter@ed.sc.gov

August 29, 2025

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

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Austin Bischoff,

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CERTIFICATE OF SERVICE

I certify that on this date, I served a copy of a Motion to File Extension Request Out of Time
And Motion for First Extension of Time in this action, dated August 29, 2025, on Austin
Bischoff, Appellant, by mailing it to him, at his last known address, by depositing it in the U.S.
Mail, in an envelope with sufficient postage affixed, addressed as follows:

Austin Bischoff
6013 Tyne Lane
Grovetown, GA 30813



Frances F. Katsos

August 29, 2025



**SOUTH CAROLINA
DEPARTMENT OF EDUCATION**

August 29, 2025

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

Re: Austin Bischoff v. SCDOE
Appellate Case No. 2025-000829

Dear Ms. Kitchings:

Enclosed please find the original Motion to File Extension Request Out of Time And Motion For First Extension of Time, along with proof of service, for filing in the above-referenced appeal.

Sincerely,

V. Henry Gunter
Deputy General Counsel
VHG/ck

Enclosures

cc: Austin Bischoff
6013 Tyne Lane
Grovetown, GA 30813

South Carolina Department of Education
Office of General Counsel
849 Learning Lane, B342-48
West Columbia, SC 29172

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The Honorable Jenny A. Kitchings
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