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SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM YORK COUNTY  
Court of Common Pleas

William A. McKinnon, Circuit Court Judge

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Appellate Case No. 2025-000860

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Ina Shtukar Steinberg,

Appellant,

v.

South Carolina Property and Casualty Insurance  
Guaranty Association, as a statutory successor in  
interest to St. Johns Insurance, insolvent insurer,

Respondent.

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**RESPONDENT'S REPLY TO APPELLANT'S RETURN TO RESPONDENT'S MOTION  
FOR EXTENSION OF TIME IN WHICH TO FILE THE  
INITIAL BRIEF OF RESPONDENT AND DESIGNATION OF MATTER**

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Counsel for Respondent South Carolina Property and Casualty Insurance Guaranty Association, as a statutory successor in interest to St. Johns Insurance, insolvent insurer, respectfully submits this reply in response to Appellant's Return to Respondent's Motion for Extension of Time in Which to File the Initial Brief of Respondent and Designation of Matter. While replies are typically disfavored, counsel did not want an absence of reply to the accusations of gamesmanship, lack of diligence, and lack of dedication to the practice of law to be seen as an admission of the same.

Respondent is represented by attorneys Mary LaFave and Laura Baer of LaFave Bagley, LLC. As Appellant notes, both are experienced attorneys and neither of them have ever

experienced opposition to a first request for an extension of time, nor have they opposed the same. Further, while the opposing party cannot unilaterally grant an extension of time, it is customary to request their position and advise the Court of the same in the filing. This is true in every Court, in every jurisdiction, in which undersigned counsel has practiced.

Attorney LaFave argued the underlying motions in the lower court. Attorney Baer, who has significant appellate experience, is primarily responsible for the appeal.

Both attorney LaFave and attorney Baer have workloads that include, but are not limited to: preparing for and conducting/defending depositions; preparing for and attending mediations; interviews of witnesses and other investigative activities; attending site visits; consulting experts; responding to discovery; preparing pleadings, motions, and proposed orders; preparing for and attending hearings; and communicating with clients, opposing counsel, and the courts. These and other litigation activities have and will occupy the last twenty days and the upcoming forty days.

In addition, attorney Baer is travelling to Italy from October 3 to 13, 2025, with her husband. Attorney Baer designated the weeks of October 6<sup>th</sup> and 13<sup>th</sup> for protected leave in the AIS system in May 2025, following booking of her non-refundable flights and hotels. This does not provide protection from the upcoming briefing deadline but is noted as support for the fact that neither counsel's other work commitments or her personal travel have been scheduled in an effort to subvert the deadlines in this appeal. Foreign travel is not a regular occurrence for attorney Baer, but if even it were, the fact that it is personal in nature does not make the request for an extension unreasonable. Similarly, attorney LaFave's two continuances in the lower court were necessitated first by her recovery from a medical procedure and a personal vacation, and second by a conflict with a long-scheduled expert deposition that was necessary to proceed ahead of a then-scheduled trial in another matter. As for the timing of the filing of the Memorandum in Support of Summary

Judgment on March 11, 2025, the day prior to the hearing, as will be more fully addressed in the briefing, the lower court did not find anything improper in the timing or content of the filing. None of this is reflective of a lack of good faith or gamesmanship as Appellant avers.

The Initial Brief of Respondent is not a task for which substantial preparation can be done prior to receipt of the transcripts and the Brief of Appellant, as the issues raised by Appellant and the arguments and citations set forth therein, are critical in developing and shaping the Brief of Respondent. Here, Appellant submitted a 50-page brief with 26 footnotes, raising six issues on appeal, in which she cites to 172 cases and 18 statutes and rules. Further, unlike Appellant, Respondent's counsel has a client to whom they need to consult with ahead of filing their Brief.

As for Appellant's claim of prejudice, in light of Appellant's ability to finalize her initial brief within ten days, this would seem a more than sufficient period for her to complete any reply brief. However, if the ten days is insufficient for her to prepare a reply because of the immigration hearing on October 18, she will face no opposition by Respondent to a motion for extension. Alternatively, the Court could consider extending the deadline for the Initial Brief of Respondent to October 18, 2025, to alleviate Appellant's concern.

Based on the foregoing and the reasons set forth in the original Motion, undersigned counsel for Respondent respectfully requests a thirty (30) day extension, until October 15, 2025, or alternatively an extension until October 18, 2025, of the deadline to file the Initial Brief of Respondent and Designation of Matter in this case.

[SIGNATURE ON FOLLOWING PAGE]

Respectfully submitted,

*s/Laura R. Baer*

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September 5, 2025

CERTIFICATE OF SERVICE

I certify that I have served a true and correct copy of RESPONDENT’S REPLY TO APPELLANT’S RETURN TO RESPONDENT’S MOTION FOR EXTENSION OF TIME IN WHICH TO FILE THE INITIAL BRIEF OF RESPONDENT AND DESIGNATION OF MATTER by electronic means in a manner provided by order of the Supreme Court of South Carolina, on this 5<sup>th</sup> day of September, 2025, specifically by e-mail delivery to the following:

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*Appellant Pro Se*

*s/Laura R. Baer*

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September 5, 2025