

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

Appeal from Charleston County
Court of Common Pleas

Jennifer B. McCoy, Circuit Court Judge

Appellate Case No. 2025-000286

RECEIVED

Oct 09 2025

SC Court of Appeals

William Haynes as Personal Representative of the Estate of Elizabeth Varner,

Respondent,

v.

Fundamental Services LLC, Fundamental Clinical and Operational Services LLC, and Jerrolyn
Montgomery-Small,

Appellants.

**RESPONDENT'S RETURN TO APPELLANTS' THIRD
REQUEST FOR EXTENSION OF TIME TO FILE/SERVE INITIAL
BRIEF OF APPELLANT**

PINKSTON LAW FIRM, LLC
Shawn Pinkston, SC Bar No. 79965
856 Lowcountry Blvd., Suite 101
Mount Pleasant, South Carolina 29464
Office: 843-814-5472

Attorney for Respondent

COMES NOW William Haynes, as Personal Representative of the Estate of Elizabeth Varner, and pursuant to Rule 240(e) SCACR, files this Return to Appellants' Third Request for Extension of Time to File/Serve Initial Brief of Appellant. Respondent respectfully requests this Court deny Appellants' Third Request for Extension of Time and dismiss this appeal pursuant to Rule 260(a) SCACR. Throughout this litigation, Appellants have shown a pattern of dilatory tactics designed to prevent the timely and just prosecution of this litigation. They have repeatedly failed to meet court-imposed timelines and have simply ignored court orders, including a Rule to Show Cause they are now inappropriately attempting to appeal.

By Order of this Court, Appellants were granted a second extension of time on September 8, 2025, to designate initial matter and file their initial brief. The Order specifically stated, "The time for serving and filing the appellants' initial brief and designation of matter is hereby extended until October 8, 2025. No further extensions will be granted absent extraordinary circumstances." In support of their previous two requests, Appellants have cited "[o]n account of work-related and other time commitments..." Their most recent request cites the same "work-related and other time commitments..." Nothing in Appellants' request is unusual or exceeds the routine timelines as imposed by Rule 263 SCACR. This excuse hardly meets the standard of extraordinary circumstances as ordered by this Court.

It has now been more than four (4½) years since the lawsuit was filed and 233 days since Appellants filed the instant Notice of Appeal. Appellants have requested multiple extensions of time throughout this Notice of Appeal. Respondent has suffered prejudice, and continues to suffer prejudice, in that he has been unable to move forward with a case despite multiple court orders demanding compliance with routine deadlines. Further, Appellants have steadfastly refused to produce discovery despite court orders to do so (including a Rule to Show Cause) and are appealing

what Respondent maintains is an interlocutory order. Respondent is now facing additional delay due to Appellants' ongoing efforts to delay the timely administration of justice despite this Court's previous direction to file their initial brief and matter of designation by a date certain or face dismissal of the appeal.

Respondent has suffered prejudice, and continues to suffer prejudice, by Appellants' refusal to comply with Court orders. Further, Appellants' continued failure to meet routine timelines as contained in the SCACR and ordered by this Court compound this prejudice. Respondent has been unable to move forward with a case that is now approaching five (5) years since being filed. Appellants have steadfastly refused to produce discovery despite court orders to do so (including a Rule to Show Cause), have refused to comply with multiple court orders, have simply ignored the timelines contained within the SCACR, and are appealing interlocutory orders. Respondent is now facing additional prejudice due to Appellants' ongoing efforts to delay the timely administration of justice by seeking yet another extension of time to submit their initial brief and designation of matter on appeal absent extraordinary cause to do so.

Respondent respectfully request this Court DENY Appellants' Third Motion for Extension of Time to File/Serve Initial Brief. Respondent further requests this Court dismiss Appellants' Notice of Appeal pursuant to Rule 240(e) SCACR.

Respectfully submitted,

PINKSTON LAW FIRM, LLC

/s/ Shawn Pinkston

Shawn Pinkston, SC Bar No. 79965

856 Lowcountry Blvd., Suite 101


Mount Pleasant, South Carolina 29464

Office: 843-814-5472

Attorney for Respondent

Mount Pleasant, South Carolina

Dated: October 9, 2025

From: Shawn Pinkston shawnpinkston@me.com 

Subject: Haynes v. Fundamental (2025-000286) -- Respondent's Return to Appellants' Third Request for Ext of Time to File/Serve Initial Brief



Date: October 9, 2025 at 10:12 AM

To: Hines, Russell RHines@yclr.com, Brown, Stephen L. sbrown@yclr.com, Davis, Jay jdavis@yclr.com, Riddle, Matthew MRiddle@yclr.com

Cc: Justman, Aimee AJustman@yclr.com, Bell, Pollyana (Polly) pbell@yclr.com, Peterson, Susan speterson@yclr.com, Bohannon, Kiara kbohannon@yclr.com, Eadie, Christine ceadie@yclr.com

Russ,

See attached Return to Appellants' Third Request for Extension of time to File/Serve Initial Brief. Thank you.

Resp Return to Req for 3rd Ext of Time - Initial Brief.pdf

84 KB



RECEIVED

Oct 09 2025

SC Court of Appeals

Shawn Pinkston
PINKSTON LAW FIRM, LLC
856 Lowcountry Blvd, Ste 101
Mount Pleasant, SC 29464
(843) 814-5472

CIRCULAR 230 DISCLOSURE: To comply with Treasury Department regulations, we inform you that, unless otherwise expressly indicated, any tax advice contained in this communication (including any attachments or enclosures) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties that may be imposed under the Internal Revenue Code or any other applicable tax law, or (ii) promoting, marketing or recommending to another party any entity, investment, plan, transaction, arrangement, or other tax related matter.

CONFIDENTIALITY NOTICE: The information transmitted is intended only for the person or entity to which it is addressed and may contain confidential and/or legally privileged material. Any review, retransmission, dissemination or other use of this information, directly or indirectly, by persons or entities other than the intended recipient is prohibited. If you are not the intended recipient please contact me at the above number and delete the material from all computers in which it resides. Internet communications cannot be guaranteed to be secure or error-free as information could be intercepted, corrupted, lost, destroyed, arrive late, incomplete, or contain viruses. Therefore, we do not accept responsibility for any errors or omissions that are present in this message, or any attachments, that have arisen as a result of e-mail transmission. If verification is required, please request a hard-copy version or contact us by phone.