

STATE OF SOUTH CAROLINA  
In The Court of Appeals

**RECEIVED**

**Nov 10 2025**

**SC Court of Appeals**

APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

Thomas W. McGee, III, Circuit Court Judge

Appellate Case No. 2025-000902

Sherman Green, ..... Respondent,

v.

City of Columbia and George Simpson, Defendants, of which George Simpson is the Appellant.

RESPONDENT’S RETURN IN OPPOSITION TO APPELLANT’S MOTION FOR  
EXTENSION OF TIME TO FILE A REPLY BRIEF

Sherman Green (“Respondent”) provides this return in opposition to George Simpson’s (“Appellant”) motion for extension of time to file an initial reply brief (“Motion”) in accordance with Rule 240(e) and within ten (10) days of Appellant’s filing of his Motion.

**PROCEDURAL HISTORY**

On July 24, 2025, Appellant moved for an extension of time to file his initial brief due on July 24, 2025, for thirty (30) days. On July 25, 2025, this Court granted Appellant’s request and the time for serving and filing his initial brief was extended to August 25, 2025. On August 22, 2025, Appellant again moved for an extension of time to file his initial brief due on August 25, 2025, for thirty (30) days. On August 25, 2025, this Court granted Appellant’s request (“Order”) and the time for serving and filing his initial brief was extended to September 24, 2025. The Court further issued an instruction that “[n]o further extensions will be granted absent extraordinary circumstances.”

Order. On September 24, 2025, Appellant filed his initial brief and on October 22, 2025, Respondent filed his initial brief requiring any reply brief be filed within ten (10) days on November 3, 2025, pursuant to Rule 208(a)(3). Rule 208(a)(3), SCACR. On November 3, 2025, Appellant moved for an extension of time to file his initial reply brief (“Motion”) due on November 3, 2025, for ten (10) days. Appellant provided no basis for this latest Motion. On November 5, 2025, Appellant filed his initial reply brief beyond the November 3, 2025, deadline and without leave of court or ruling on his Motion.

### **ARGUMENT**

Rule 240, SCACR “governs all motions or petitions filed in the appellate court, including but not limited to: motions for extension of time . . . .” Rule 240(a), SCACR. Rule 240(c)(3), SCACR states that “[a]ll motions . . . shall be in writing, shall state the grounds thereof[,] . . . [and] [w]here the Record on Appeal or Appendix has not been filed, . . . the parties shall file affidavits and other documents in support of their positions.” Rule 240(c)(3), SCACR. On November 3, 2025, Appellant filed his Motion on the due date for his initial reply without identifying any “extraordinary circumstances” as required in this Court’s Order or stating any grounds supported by affidavit(s) or the record for his request in accordance with Rule 240(c)(3), SCACR.

Where Appellant failed to support his Motion pursuant to Rule 240(c)(3) with affidavit(s) or reference(s) to the record supporting his grounds for requesting the extension and/or failed to state any grounds to grant the relief requested, extraordinary or otherwise, Appellant’s Motion should be denied and his reply brief stricken as untimely.

## CONCLUSION

For the above-stated reasons, Respondent respectfully requests this Court deny Appellant's motion for extension of time to file his initial reply brief for failure to provide a basis for his motion, extraordinary or otherwise, upon affidavit or reference to the Record on Appeal and strike his untimely reply.

November 10, 2025

*s/ Chris S. Truluck*  
Chris S. Truluck, (S.C. Bar 77829)  
924 Gervais Street  
Columbia, SC 29201  
(803) 556-7285  
*Attorney for Respondent*

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APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

Thomas W. McGee, III, Circuit Court Judge

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Case No. 2021-CP-40-05620

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Sherman Green,..... Respondent,

v.

City of Columbia and George Simpson, Defendants, of which George Simpson is the Appellant.

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PROOF OF SERVICE

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The undersigned attorney hereby certifies that a true copy of the Respondent’s Return in Opposition to Appellant’s Motion for Extension of Time to File a Reply Brief in the above-referenced case has been served upon Mary D. LaFave, Counsel of Record, by delivering the same this date to her by electronic email only at [mary@lafavebagley.com](mailto:mary@lafavebagley.com).

The undersigned attorney hereby certifies that a true copy of the Respondent’s Return in Opposition to Appellant’s Motion for Extension of Time to File a Reply Brief in the above-referenced case has been served upon W. Mike Hemlepp, Jr., Counsel of Record, by delivering the same this date to him by electronic email only at [william.hemlepp@columbiasc.gov](mailto:william.hemlepp@columbiasc.gov).

The undersigned attorney hereby certifies that a true copy of the Respondent’s Return in Opposition to Appellant’s Motion for Extension of Time to File a Reply Brief in the above-referenced case has been served upon John S. Nichols, Counsel of Record, by delivering the same this date to him by electronic email only at [john@bluesteinattorneys.com](mailto:john@bluesteinattorneys.com).

*(Signature page to follow)*

November 10, 2025

s/ Chris S. Truluck  
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