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SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM THE SOUTH CAROLINA ADMINISTRATIVE LAW COURT

Ralph King Anderson, III, Chief Administrative Law Judge

Francis Ackerman, #266928, Malik Aljalil, #219551,  
Linso Allen, #269378, Michael Benninger, #264212,  
Frederic Brown, #289602, Timothy Brown, #238461,  
Terrell Buchanon, #277262, Christopher Buch, #200690,  
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Gladstone Cummings, #267450, Patrick Curtis, #175139,  
Quintin Daniels, #196284, Curtis Davis, #238776,  
Heyward Dempsey, #134171, Phillip Denney, #240678,  
Paul Durham, #219573, Jerome Durham, #270393, Keith  
Eigner, #299153, Bernard Felder, #122099, Jermaine  
Garriett, #191274, Fred Gatewood, #289775, Dennis  
Goff, #177506, Gregory Grant, #109656, Nelson  
Hampton, #286427, James Hartman, #219770, Gary  
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#191961, Richard Butler, #162467, Gary Davis,  
#106144, Anthony English, #238474, Kerlan Etheredge,  
#236635, James Evans, #267837, Jose Flores, #240563,  
Robert Garrett, #291096, Reginald Geddis, #183851,  
Richard Graham, #228235, Gary Grooms, #283860,  
Wayne Harlan, #245705, Johnny Hayes, #267910,  
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v.

South Carolina Department of Corrections, Respondent.

Appellate Case No. 2012-210588

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**RESPONDENT'S 2<sup>nd</sup> 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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By correspondence to counsel which accompanied an order issued September 16, 2013, this Court advised the undersigned counsel for the Respondent, the South Carolina Department of Corrections, that the Respondent's initial brief and designation of matter to be included in the record on appeal were due October 16, 2013.

By an order issued October 22, 2013, this Court granted a motion filed by the Respondent's undersigned counsel by which they sought an extension of this deadline. By its

October 22, 2013 order, this Court established a deadline of Friday, November 15, 2013 for the filing and service of Respondent's initial brief and designation of matter to be included in the record on appeal.

For the reasons stated below, the Respondent, by and through its undersigned counsel, respectfully moves this Court to again extend the deadline by which it must file its initial brief and designation of matter to be included in the record on appeal **until Wednesday, November 27, 2013.**

The Respondent's undersigned counsel so moves in light of activity in other cases in which they continue to be engaged. For example, the Respondent's undersigned counsel has recently received nearly 1,000 pages of medical and psychiatric material which they must review, analyze, and disseminate to co-counsel and expert witnesses in a matter pending in federal court styled as *Ashley Reeves v. Town of Cottageville, The Town of Cottageville Police Department, and Randall Price*, Civil Action No. 2:12-cv-02765-DCN.

Additionally, the Respondent's undersigned counsel have continued to find themselves engaged in a series of lengthy depositions for two (2) consolidated cases pending in federal court: *David Christian, III, v. S.C. Dep't of Labor, Licensing and Regulation, Charles Ido, et al.*, Civil Action No. 3:12-cv-01382-JFA-PJG and *Sherry Wilson v. S.C. Dep't of Labor, Licensing and Regulation, Charles Ido, et al.*, Civil Action No. 3:12-cv-1750-JFA-PJG.

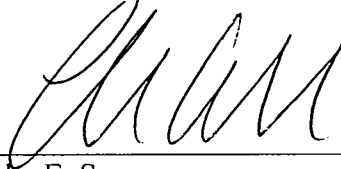
Furthermore, the Respondent's undersigned counsel somewhat unexpectedly found himself appearing in circuit court this week to argue in support of a motion to dismiss on behalf of their client in the matter styled as *James W. Carter v. Town of Cottageville and Randall Price*, Civil Action No. 2013-CP-15-0847.

Finally, the Respondent's undersigned counsel have remained engaged in activities associated with a matter directly related to the instant appeal which this Court recently remanded back to the Administrative Law Court, *Fred Gatewood, #289775 v. S.C. Dep't of Corr.*, ALC Docket No. 07-ALJ-04-0517-AP.

The Respondent's undersigned counsel respectfully advises this Court that they recently consulted with the Appellants' counsel, and the Appellants' counsel does not object to the instant motion by which the Respondent's counsel seeks an extension of their deadline by which to file the Respondent's initial brief and designation of matter.

Therefore, the Respondent's undersigned counsel respectfully urges this Court to grant their instant motion, and, accordingly, the Respondent's undersigned counsel respectfully urges this Court to extend the deadline by which the Respondent must file its initial brief and designation of matter to be included in the record on appeal in the instant matter **until Wednesday, November 27, 2013.**

**RESPECTEULLY SUBMITTED,**



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Katherine A. Phillips  
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Counsel for Respondent

Columbia, South Carolina  
November 15, 2013

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South Carolina Department of Corrections, Respondent.

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**PROOF OF SERVICE**

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I certify that I have served the **RESPONDENT'S 2<sup>nd</sup> MOTION FOR AN EXTENSION OF TIME BY WHICH IT MUST FILE ITS INITIAL BRIEF AND DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL** upon the above-named Appellants by mailing a copy of their counsel, first class postage pre-paid, at the following address:

Douglas H. Westbrook, Esquire  
Attorney at Law  
23 Broad Street  
Charleston, South Carolina 29401

November 15, 2013



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LAKE E. SUMMERS