

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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SC Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT
Ralph K. Anderson, III, Chief Administrative Law Judge

Dock. Nos. 07-ALJ-04-00444-AP, 07-ALJ-04-00445-AP, 07-ALJ-04-00446-AP,
07-ALJ-04-00447-AP, 07-ALJ-04-00448-AP, 07-ALJ-04-00449-AP,
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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,
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James Hartman, #219770, Gary Hayes, #263985, Michael Hood, #279897,
Nikia Law, #260855, Stephen Lease, #137016, Harry Leonard, #249996,
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John Moultrie, #276527, Matin Muntaqim, #142282, Tony Pitts, #280579,
Germaine Pringle, #250390, Gene Richardson, #93614, Dennis Richey, #233472,

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Joseph Schmitz, #173987, Arthur Scott, #251957, Jerome Scott, #153381,
Roosevelt Scott, #275631, Archie Simmons, #161419, Robert Smith, #199324,
James Williams, #282929, Gary Bryant, #258972, Harlon Edger, #261866,
Johnny Holden, #245199, Don Hughes, #256862, Michael Key, #266890,
Archie Lee, #226354, Isaac Richardson, #232574, Larkland Richards, #281768,
John Wojcik, #219463, James Bogan, #288111, Larry Burke, #281911,
Jammie Gaymon, #208922, David Harrell, #260004, Jeff Stinson, #260047,
Ricky Libby, #274681, Alain Lareau, #128014, Quentin Baker, #297868,
Frank Corley, #292975, James Jackson, #267718, Quintin Linen, #238553,
Thomas Miles, #246763, Chauncy Orr, #177069, Isaiah Scott, #228008,
Eric Youmous, #281091, Derek Carter, #275938, Willie Hare, #256641,
Ernest Miller, #235474, Robert Norris, #266101, Ronald Simmons, #267937,
Samuel Simmons, #302393, William Thomas, #272501, Anthony Murphy, #295893,
Anthony Murray, #237867, Johnny Hayes, #267910, Roy Morris, #288777,
Daniel Dewey, #276678, Nehemiah Greene, #243339, Leroy Choice, #113990,
James McFadden, #235419, Francis Prioleau, #268813, Darrell Rochester, #146731,
Wilbur Jordan, #272264, Alvin Stewart, #278595, Kevin Poston, #266083,
Kevin Smith, #272440, Donald Robinson, #277520, Douglas Bude, #263537,
Willie Elder, #246208, Rogelio Zavala, #245106, Dennis Knight, #286981,
Jacob Beach, #301270, Francis Ackerman, #266928, Darrin Miller, #259593,
Edward Bryant, #255998, Sherman Austin, #300028, Michael Baylor, #265682,
Taurus Bowman, #252745, Kenneth Carter, #243538, Calvin Drummond, #236322,
David Feggins, #287157, Terry Ferguson, #299080, Willie House, #257820,
Peter Jenkins, #257321, Percy Martin, #270035, James Murray, #165487,
Stephone Simmons, #300422, Larry McClam, #282972, Tyrone Aiken, #244428,
Tyrone Aiken, #248367, Frank Anderson, #282800, Ronald Brewer, #285756,
Keith Brown, #295762, Pete Bryant, #242370, Michael Busques, #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 Harlen, #245705, Johnny Hayes, #267910,
Steven Hickenbottom, #196263, Alfred Joyner, #260442, Donald Lyles, #296135,
Henry Baker, #263398, Thomas Carter, #249362, Thomas Butler, #257552,
Bobby Williams, #261486, Ray Wells, #173651, Rodney Pressley, #177947,
Keith Kelly, #257556, Maxie Gamble, #254413, James Enriquez, #215539,
Perry Deveaux, #109601, James Wells, #180458, Cedric Martino, #291396,
Donald McAteer, #292961, Robert Wydman, #260331, Anthony Wright, #214007,
Derrick Williams, #272958, Kenneth White, #228409, James Trumper, #247429,
Jeffrey Spears, #281697, Timothy Smith, #296539, David Sims, #278067,
Virgil Simpson, #281888, Edward Simpson, #220017, Kenneth Simmons, #278911,
George Shine, #292391, Ralph Sellers, #164295, Laron Richardson, #258786,
Frank Patterson, #283098, Tony McNeil, #235846, Larry McClam, #282972,
Lavanza Mack, #189340, Raymond Livingston, #277133, Nicholas Lambrose, #215080,

Joseph Kelsey, #217218, Keith Eugene, no number, Chuck Jackson, #266425, James Foye, #211523, Timothy Inman, #151123, Marvin Gilbert, #273934, Demetrius Wheeling, #264976, Leon Wilson, #155867, Jeffrey Tevis, #216442, Darryel Beasley, #222388, Curtis Thompson, #266448, Baron Cobbs, #280479, James Tino, #145030, Harold Roberson, #117001, Ray Gadsden, #187527, Tony Witt, #242918, Jonathan Singleton, #287670, Joe Pannell, #89592, Charles Graham, #294453, Lazarus Brannon, #227847, Darrell Williams, #219730, Wilbert Mills, #244004, Howard Grant, #255473, Timothy Wilson, #261971, Rodney Elliott, #251337, Henry Rivers, #219118.....Appellants,

v.

South Carolina Department of Corrections.....Respondent.

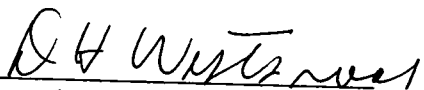
Appellate Case No. 2012-210588

APPELLANTS' MOTION FOR EXTENSION OF TIME TO FILE INITIAL
REPLY BRIEF, ADDITIONAL DESIGNATION OF MATTERS FOR THE
RECORD, AND RESPONSE TO RESPONDENT'S MOTION TO STRIKE

COMES NOW, Appellants by counsel, who respectfully request an extension of time of 30 days, or until January 9, 2014, to file their Initial Reply Brief and additional Designation of Matters for the Record; and an additional 30 days after that, to file their response to SCDC's Motion to Strike; as more particularly described in the attached Memorandum and Affidavit.

In conversation with SCDC's counsel on December 5, 2014, SCDC notified Appellants' counsel of its consent to this motion.

Respectfully submitted,


Douglas H. Westbrook, #6039
23 Broad St.
Charleston, SC 29401
(843) 853-9600
Attorney for Appellants

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT
Ralph K. Anderson, III, Chief Administrative Law Judge

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v.

South Carolina Department of Corrections.....Respondent.

Appellate Case No. 2012-210588

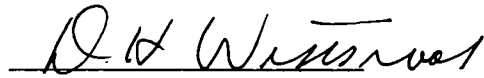
APPELLANTS' MEMORANDUM IN SUPPORT OF MOTION FOR EXTENSION OF TIME TO FILE INITIAL REPLY BRIEF, ADDITIONAL DESIGNATION OF MATTERS FOR THE RECORD, AND RESPONSE TO RESPONDENT'S MOTION TO STRIKE

COMES NOW, Appellants by counsel, who respectfully submit this Memorandum in support of their Motion for Extension of Time, as follows:

1. On November 27, 2013, SCDC mailed its Initial Brief (49 pages), Designation of Matter, and Motion to Strike items from Appellants' Designation of Matter (21 pages, plus 34 pages of exhibits). Appellants' counsel received these documents on November 29, 2013.
2. The usual response deadline for these documents is within 10 days after service (SCACR 208(a)(3) and 240(e)).
3. Appellants respectfully believe 10 days is not enough time to adequately respond, given the length of both parties' briefs (48-49 pages), issues involved (9), and for the Motion to Strike, number of items subject to the motion (32).
4. For the above reasons, Appellants respectfully request an extension of 30 days to file their Initial Reply Brief and Designation of Matter, or until

January 9, 2014; and an additional 30 days after that to file their response to SCDC's Motion to Strike. This motion is filed under SCACR 240(a), 263(b).

Respectfully submitted,



Douglas H. Westbrook, #6039

23 Broad St.

Charleston, SC 29401

(843) 853-9600

Attorney for Appellants

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT
Ralph K. Anderson, III, Chief Administrative Law Judge

Dock. Nos. 07-ALJ-04-00444-AP, 07-ALJ-04-00445-AP, 07-ALJ-04-00446-AP,
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Michael Benninger, #264212, Fredrick Brown, #289602, Timothy Brown, #238461,
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Sheldon Clark, #264772, Zawaski Cobb, #187136, Kamathene Cooper, #145333,
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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 Hayes, #263985, Michael Hood, #279897,
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John Moultrie, #276527, Matin Muntaqim, #142282, Tony Pitts, #280579,
Germaine Pringle, #250390, Gene Richardson, #93614, Dennis Richey, #233472,

* Docket No. 07-ALJ-04-00826-AP is probably assigned to an unrelated case.
See June 8, 2012 letter to the ALC with copy to the Court of Appeals. The
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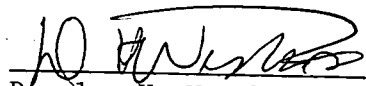
South Carolina Department of Corrections.....Respondent.

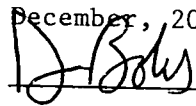
Appellate Case No. 2012-210588

AFFIDAVIT

I, Douglas H. Westbrook, depose and state as follows:

1. I represent the appellants in the above captioned appeal.
2. On November 29, 2013, I received in the mail SCDC's Initial Brief, Designation of Matter, and Motion to Strike with exhibits.
3. I respectfully believe that 10 days after service of these documents is not enough time to file adequate responses with the Court.
4. On December 5, 2013, I spoke with SCDC's counsel, Mr. Summers, who kindly consented to an extension for the time needed for these responses to be prepared and filed.


Douglas H. Westbrook

Signed and Sealed
Before Me This
5th Day of
December, 2013.


My Commission Expires:
2-3-2021

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT
Ralph K. Anderson, III, Chief Administrative Law Judge

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Francis Ackerman, #266928, Malik Aljalil, #219551, Linso Allen, #269378,
Michael Benninger, #264212, Fredrick Brown, #289602, Timothy Brown, #238461,
Terrell Buchanon, #277262, Christopher Bush, #300690, Rudy Cassady, #238732,
Sheldon Clark, #264772, Zawaski Cobb, #187136, Kamathene Cooper, #145333,
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 Hayes, #263985, Michael Hood, #279897,
Nikia Law, #260855, Stephen Lease, #137016, Harry Leonard, #249996,
Herbert McFadden, #184297, Michael McFarland, #266870, Earl Mack, #216237,
John Moultrie, #276527, Matin Muntaqim, #142282, Tony Pitts, #280579,
Germaine Pringle, #250390, Gene Richardson, #93614, Dennis Richey, #233472,

* Docket No. 07-ALJ-04-00826-AP is probably assigned to an unrelated case.
See June 8, 2012 letter to the ALC with copy to the Court of Appeals. The
number remains in this caption because it appears in the ALC Second Amended
Order caption, line 6, and has not yet been deleted by the Court of Appeals.

Ignacio Rivera, #300424, Vondell Sanders, #241308, James Sattler, #235043, Joseph Schmitz, #173987, Arthur Scott, #251957, Jerome Scott, #153381, Roosevelt Scott, #275631, Archie Simmons, #161419, Robert Smith, #199324, James Williams, #282929, Gary Bryant, #258972, Harlon Edger, #261866, Johnny Holden, #245199, Don Hughes, #256862, Michael Key, #266890, Archie Lee, #226354, Isaac Richardson, #232574, Larkland Richards, #281768, John Wojcik, #219463, James Bogan, #288111, Larry Burke, #281911, Jammie Gaymon, #208922, David Harrell, #260004, Jeff Stinson, #260047, Ricky Libby, #274681, Alain Lareau, #128014, Quentin Baker, #297868, Frank Corley, #292975, James Jackson, #267718, Quintin Linen, #238553, Thomas Miles, #246763, Chauncy Orr, #177069, Isaiah Scott, #228008, Eric Youmous, #281091, Derek Carter, #275938, Willie Hare, #256641, Ernest Miller, #235474, Robert Norris, #266101, Ronald Simmons, #267937, Samuel Simmons, #302393, William Thomas, #272501, Anthony Murphy, #295893, Anthony Murray, #237867, Johnny Hayes, #267910, Roy Morris, #288777, Daniel Dewey, #276678, Nehemiah Greene, #243339, Leroy Choice, #113990, James McFadden, #235419, Francis Prioleau, #268813, Darrell Rochester, #146731, Wilbur Jordan, #272264, Alvin Stewart, #278595, Kevin Poston, #266083, Kevin Smith, #272440, Donald Robinson, #277520, Douglas Bude, #263537, Willie Elder, #246208, Rogelio Zavala, #245106, Dennis Knight, #286981, Jacob Beach, #301270, Francis Ackerman, #266928, Darrin Miller, #259593, Edward Bryant, #255998, Sherman Austin, #300028, Michael Baylor, #265682, Taurus Bowman, #252745, Kenneth Carter, #243538, Calvin Drummond, #236322, David Feggins, #287157, Terry Ferguson, #299080, Willie House, #257820, Peter Jenkins, #257321, Percy Martin, #270035, James Murray, #165487, Stephone Simmons, #300422, Larry McClam, #282972, Tyrone Aiken, #244428, Tyrone Aiken, #248367, Frank Anderson, #282800, Ronald Brewer, #285756, Keith Brown, #295762, Pete Bryant, #242370, Michael Busques, #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 Harlen, #245705, Johnny Hayes, #267910, Steven Hickenbottom, #196263, Alfred Joyner, #260442, Donald Lyles, #296135, Henry Baker, #263398, Thomas Carter, #249362, Thomas Butler, #257552, Bobby Williams, #261486, Ray Wells, #173651, Rodney Pressley, #177947, Keith Kelly, #257556, Maxie Gamble, #254413, James Enriquez, #215539, Perry Deveaux, #109601, James Wells, #180458, Cedric Martino, #291396, Donald McAteer, #292961, Robert Wydman, #260331, Anthony Wright, #214007, Derrick Williams, #272958, Kenneth White, #228409, James Trumper, #247429, Jeffrey Spears, #281697, Timothy Smith, #296539, David Sims, #278067, Virgil Simpson, #281888, Edward Simpson, #220017, Kenneth Simmons, #278911, George Shine, #292391, Ralph Sellers, #164295, Laron Richardson, #258786, Frank Patterson, #283098, Tony McNeil, #235846, Larry McClam, #282972, Lavanza Mack, #189340, Raymond Livingston, #277133, Nicholas Lambrose, #215080,

Joseph Kelsey, #217218, Keith Eugene, no number, Chuck Jackson, #266425, James Foye, #211523, Timothy Inman, #151123, Marvin Gilbert, #273934, Demetrius Wheeling, #264976, Leon Wilson, #155867, Jeffrey Tevis, #216442, Darryel Beasley, #222388, Curtis Thompson, #266448, Baron Cobbs, #280479, James Tino, #145030, Harold Roberson, #117001, Ray Gadsden, #187527, Tony Witt, #242918, Jonathan Singleton, #287670, Joe Pannell, #89592, Charles Graham, #294453, Lazarus Brannon, #227847, Darrell Williams, #219730, Wilbert Mills, #244004, Howard Grant, #255473, Timothy Wilson, #261971, Rodney Elliott, #251337, Henry Rivers, #219118.....Appellants,

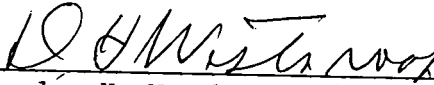
v.

South Carolina Department of Corrections.....Respondent.

Appellate Case No. 2012-210588

PROOF OF SERVICE

I certify that I have served the Appellants' Motion For Extension of Time to File Initial Reply Brief, Additional Designation of Matters for the Record, and Response to Respondent's Motion to Strike; Memorandum in Support of Motion For Extension of Time; and Affidavit; on the South Carolina Department of Corrections by depositing a copy of these documents in the U.S. Mail, postage prepaid, on *12-5-13*, addressed to its attorneys of record, Lake Summers, Esq. and Katherine Phillips, Esq., both of Malone, Thompson, Summers & Ott, LLC, 339 Heyward St., Ste. 200, Columbia, S.C. 29201.


Douglas H. Westbrook, #6039
23 Broad St.
Charleston, Sc 29401
(843) 853-9600
Attorney for Appellants

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