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Apr 10 2026
SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas
Patrick C. Fant III, Circuit Court Judge

Case No. 2025-001344

Patricia Diehl,

Appellant,

v.

Home Depot Store SW #1127;
Home Depot Management Co. LLC;
HD Development of Maryland, Inc.;
Charles Hilliard, Home Depot USA, Inc.,

Respondents.

MOTION FOR ENLARGEMENT OF TIME

Out of an abundance of caution, Appellant Patricia Diehl, by and through undersigned counsel, respectfully moves pursuant to Rule 240 of the South Carolina Appellate Court Rules for clarification of the operative deadline for final briefs and for an extension of that deadline, and in support thereof states as follows:

I. Background

On February 5, 2026, this Court entered an Order directing that all final briefs be served and filed within twenty (20) days of service of the Record on Appeal. The Record on Appeal was due on March 9, 2026. On March 19, 2026, this Court issued a Letter advising Appellant that she was required to file the Record on Appeal, along with a motion requesting permission to serve out of time, within ten (10) days, or face dismissal of the appeal. (See: Letter)

Prior counsel, J. Jacob Nixon, served the Record on Appeal on March 24, 2026, and simultaneously filed a Motion for Permission to Serve the Record Out of Time, requesting that the Court accept March 24, 2026, as the operative service date and set April 13, 2026, as the corresponding final brief deadline. This motion was filed within the ten-day window established by the Court's March 19, 2026, Letter. As of the date of this filing, the Motion for Permission to Serve the Record Out of Time remains pending and unruled upon.

II. Emergency Substitution of Counsel

Compounding this uncertainty, prior counsel Mr. Nixon suffered a medical emergency requiring hospitalization, necessitating the emergency reassignment of this matter. On April 8, 2026, undersigned counsel notified the Court and Respondents' counsel of this transition in writing.

On April 9, 2026, undersigned counsel filed a Notice of Appearance and Substitution of Counsel, formally entering his appearance on behalf of Appellant, further stating that Mr. Nixon is no longer affiliated with the undersigned's firm. Undersigned counsel has not had adequate time to review the Record on Appeal and conform the citations in Appellant's brief to the official record pagination as required for final briefing. This is not the result of any lack of diligence, but rather the abrupt and involuntary nature of a transition in counsel caused by a medical emergency beyond Appellant's control. (See: Affidavit of Chase H. Coble)

III. Uncertainty as to Operative Deadline

Given that the Court has not yet ruled on Appellant's pending Motion for Permission to Serve the Record Out of Time, the operative deadline for final briefs is presently unclear. Appellant respectfully requests that the Court clarify the controlling final brief deadline so that both parties may proceed accordingly.

RELIEF REQUESTED

WHEREFORE, for the foregoing reasons, Appellant respectfully requests that this Court:

1. Confirm that the Record on Appeal served on March 24, 2026 is accepted as timely, or otherwise clarify the operative service date;
2. Clarify the controlling deadline for final briefs; and,

3. Extend the deadline for all parties to serve and file their respective final briefs to **May 18, 2026**, or within thirty (30) days of the Order determining whether Appellant's Motion for Permission to Serve the Record Out of Time will be granted, whichever comes later.

**Counsel for Respondents has reviewed this motion and takes no position as to the relief requested. Counsel for Respondents likewise seeks clarity concerning deadlines to serve the final briefs in this matter.*

Respectfully submitted,

POULIN | WILLEY | ANASTOPOULO, LLC

s/ Chase H. Coble _____

Chase H. Coble

SC Bar No. 105057

32 Ann Street

Charleston, SC 29403

(803) 222-2222

teamcoble@poulinwilley.com

Charleston, South Carolina
April 10, 2026

AFFIDAVIT OF CHASE COBLE

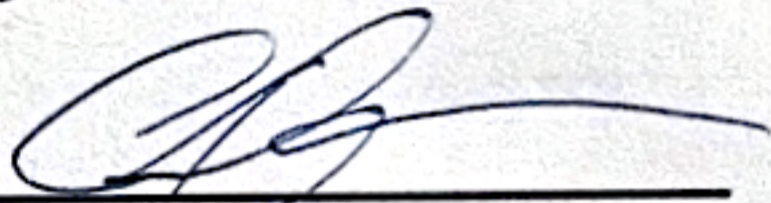
State of South Carolina
County of Charleston

I, Chase H. Coble, being duly sworn, state the following under penalty of perjury:

1. I am an attorney licensed to practice law in the State of South Carolina, S.C. Bar No. 105057, and am employed by Poulin | Willey | Anastopoulos, LLC, with an office located at 32 Ann Street, Charleston, South Carolina 29403.
2. Prior counsel for Appellant had a medical emergency and is no longer affiliated with this firm.
3. On April 8, 2026, I notified the Court and Respondents' counsel in writing of the transition in counsel and of my intent to file a Notice of Appearance and a motion for extension of time.
4. On April 9, 2026, I filed a Notice of Appearance and Substitution of Counsel, formally entering my appearance on behalf of Appellant Patricia Diehl.
5. I have only recently assumed responsibility for this appeal and am in the process of reviewing the Record on Appeal and familiarizing myself with the issues presented and the status of any remaining obligations.
6. The requested relief in the Motion for Enlargement of Time is sought in good faith and not for purposes of delay.
7. The facts set forth in this Affidavit are true and correct to the best of my knowledge, information, and belief.

Further affiant sayeth naught.

Signature of Affiant

/s/ 
Chase H. Coble

SWORN BEFORE ME THIS 10th day of April, 2026.

Janet Heaslip

NOTARY PUBLIC FOR THE STATE OF SOUTH CAROLINA
My commission expires: 11th March, 2031

JANET HEASLIP
Notary Public-State of South Carolina
My Commission Expires
March 11, 2031





The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

CATHERINE S. HARRISON
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March 19, 2026

Mr. John Jacob Nixon, Esquire
4306 Halifax Road
Greensboro NC 27407

Re: Patricia Diehl v. Home Depot Store SW #1127
Appellate Case No. 2025-001344

Dear Counsel:

Pursuant to this Court's February 5, 2026 order, the time for serving the record on appeal has expired. Within ten (10) days of the date of this letter, you must serve the record on appeal, along with a motion requesting permission to serve out of time, pursuant to Rule 210 and Rule 240 of the South Carolina Appellate Court Rules, or this appeal will be dismissed.

Very truly yours,


CLERK

cc: Kyle David McGann, Esquire

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Respondents.

PROOF OF SERVICE

I, the undersigned of the law office of Poulin, Willey, Anastopoulo, LLC, attorneys for Plaintiff Patricia Diehl, do hereby certify that I have caused to be served all parties and/or their attorneys of record to this appeal by copy of the *Motion for Enlargement of Time, Affidavit of Attorney Chase H. Coble; and Letter from Deputy Clerk* which copies have been emailed and/or mailed, with sufficient postage affixed thereto, to the addresses below:

Parties Served:

Kyle D. McGann (kmcgann@gwblawfirm.com)
Gallivan White & Boyd, PA
1201 Main Street
Columbia, SC 29201

Attorney for Respondents

Chase H. Coble, Esquire (teamcoble@poulinwilley.com)
Poulin, Willey, and Anastopoulos, LLC
32 Ann Street
Charleston, SC 29403

Attorney for Appellant

POULIN | WILLEY | ANASTOPOULO, LLC

/s/ Chase H. Coble

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Charleston, South Carolina
April 10, 2026