

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM THE SOUTH CAROLINA ADMINISTRATIVE LAW COURT

Ralph King Anderson, III, Chief Administrative Law Judge

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Francis Ackerman, #266928, Malik Aljalil, #219551,  
Linso Allen, #269378, Michael Benninger, #264212,  
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Eigner, #299153, Bernard Felder, #122099, Jermaine  
Gariett, #191274, Fred Gatewood, #289775, Dennis  
Goff, #177506, Gregory Grant, #109656, Nelson  
Hampton, #286427, James Hartman, #219770, Gary  
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Richard Graham, #228235, Gary Grooms, #283860,  
Wayne Harlan, #245705, Johnny Hayes, #267910,  
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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, Davis 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, #235864, 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 Gadsen, #187527, Tony Witt, #242918, Jonathan Singleton, #287670, Joe Pannell, #89592, Charles Graham, #294453, Lazarus Brannon, #227847, Darrell Williams, #219730, Wilbur 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

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**RESPONDENT'S MOTION FOR AN EXTENSION OF TIME BY WHICH  
IT MAY FILE ITS MOTION TO STRIKE THE APPELLANTS'  
"ADDITIONAL DESIGNATION OF MATTER  
TO BE INCLUDED IN THE RECORD ON APPEAL"**

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By their submission dated **January 7, 2014**, the Appellants, by and through their counsel, filed their Initial Reply Brief. Along with their Initial Reply Brief, the Appellants, by another submission also dated **January 7, 2014**, filed their "Additional Designation of Matter to be Included in the Record on Appeal." By their "Additional Designation of Matter," the Appellants proposed an additional 38 items for inclusion into the Record in this matter.

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SC Court of Appeals

The undersigned counsel for the Respondent, the South Carolina Department of Corrections (“SCDC”), received both of the Appellants’ submissions via United States Mail on January 9, 2014.

For the reasons stated below, the Respondent, by and through its undersigned counsel, respectfully moves this Court to extend the deadline by which it may file a motion to strike some or all of the items identified by the Appellants in their “Additional Designation of Matter” **until Friday, January 31, 2014.**

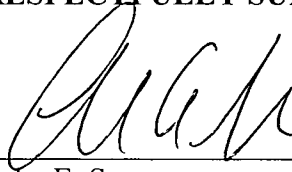
The Respondent’s undersigned counsel so moves in light of the reality that one of the Respondent’s counsel, Katherine A. Phillips, Esquire, underwent unexpected back surgery on January 7, 2014. Ms. Phillips is not expected to return to work until on or about February 3, 2014 at the earliest.

As he has found himself engaged in other matters to which Ms. Phillips formerly attended before her injury, the Respondent’s undersigned counsel respectfully requests this short extension so that he may fully develop and address all issues animated by the Appellants’ “Additional Designation of Matter.”

The Respondent’s undersigned counsel respectfully advises this Court that he recently consulted with the Appellants’ counsel, and the Appellants’ counsel consents to the extension of the Respondent’s deadline by which to file its motion strike as proposed herein.

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 may file a motion to strike some or all of the items identified by the Appellants in their “Additional Designation of Matter” **until Friday, January 31, 2014.**

**RESPECTFULLY SUBMITTED,**



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Lake E. Summers

**Malone, Thompson, Summers & Ott LLC**

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Columbia, South Carolina 29201

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Counsel for Respondent

Columbia, South Carolina  
January 15, 2014

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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Ralph King Anderson, III, Chief Administrative Law Judge

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South Carolina Department of Corrections, Respondent.

Appellate Case No. 2012-210588

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**PROOF OF SERVICE**

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I certify that I have served the **RESPONDENT'S MOTION FOR AN EXTENSION OF TIME BY WHICH IT MAY FILE ITS MOTION TO STRIKE THE APPELLANTS' "ADDITIONAL 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



January 15, 2014

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LAKE E. SUMMERS