

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

M1343

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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Archie Lee, #226354, Isaac Richardson, #232574, Larkland Richards, #281768,
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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,
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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,
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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,
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Peter Jenkins, #257321, Percy Martin, #270035, James Murray, #165487,
Stephone Simmons, #300422, Larry McClam, #282972, Tyrone Aiken, #244428,
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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,
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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,
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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.

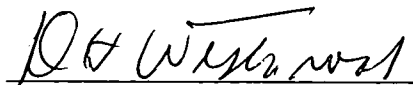
Appellate Case No. 2012-210588

APPELLANTS' MOTION FOR A TWENTY (20) DAY EXTENSION
UNTIL MARCH 12, 2014 TO FILE RESPONSE TO SCDC'S MO-
TION TO STRIKE FILED FEBRUARY 10, 2014

COMES NOW, Appellants by counsel, who respectfully request an extension of 20 days until March 12, 2014 to file their response to SCDC's Motion to Strike filed on February 10, 2014, as more particularly described in the attached Memorandum. Time limits are respectfully requested to be stayed.

On February 14, 2014, undersigned counsel spoke with SCDC's counsel, Lake Summers, who consented to this motion being granted.

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

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Ralph K. Anderson, III, Chief Administrative Law Judge

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Ricky Libby, #274681, Alain Lareau, #128014, Quentin Baker, #297868,
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Thomas Miles, #246763, Chauncy Orr, #177069, Isaiah Scott, #228008,
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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

MEMORANDUM IN SUPPORT OF APPELLANTS' MOTION
FOR A TWENTY (20) DAY EXTENSION UNTIL MARCH
12, 2014 TO FILE RESPONSE TO SCDC'S MOTION
TO STRIKE FILED FEBRUARY 10, 2014

COMES NOW, Appellants by counsel, who respectfully submit the following Memorandum in Support of Appellants' Motion For a Twenty (20) Day Extension Until March 12, 2014 to File Response to SCDC's Motion to Strike Filed February 10, 2014.

1. On February 8, 2013, Appellants filed their original designation of matter to be included in the Record on Appeal.
2. On November 27, 2013, SCDC filed its Motion to Strike 32 of the 44 matters designated in Appellants' designation. This motion contained 21 pages and attached three exhibits of some 37 pages.
3. On December 5, 2013, Appellants filed their Motion for Extension of Time to File Response to SCDC's Motion to Strike, and other matters. By its Order issued January 24, 2014, and Amended Order of January 31, 2014, the Court extended the deadline until February 9, 2014 for Appellants to file

their response.

4. On January 7, 2014, Appellants filed their initial reply brief and additional designation of matter.

5. On February 7, 2014, Appellants filed a 40 page response to SCDC's November 27, 2013 Motion to Strike, along with Exhibits A-C of some 396 pages.

6. On February 10, 2014, SCDC filed the current Motion to Strike, a 20 page motion seeking to strike 37 of 38 matters designated in Appellants' January 7, 2014 additional designation of matter. This motion was received on February 12, 2014.

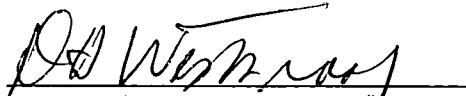
7. The normal response deadline for SCDC's motion is 10 days after service (SCACR 240(e)).

8. SCDC's current motion is similar in scope to its first Motion to Strike. Appellants again anticipate having to discuss and attach lengthy exhibits to their response in order to adequately respond to the issues presented. While some of the issues are similar to those in the first motion, the exhibits to the current response are expected to be about 21% less. In addition, Appellants' copy service provider, Office Depot, has indicated some large copy jobs have to be shipped out to their Georgia facility depending on staffing demands at any given time. On February 18, 2014, Appellants' counsel tried calling the copy manager at Office Depot about this but he was not at work.

9. Undersigned counsel respectfully believes additional time is needed to prepare and file an adequate response with the Court.

10. For the above reasons, Appellants respectfully request a 20 day extension until March 12, 2014 to file their response to SCDC's February 10, 2014 Motion to Strike. In addition, time limits are respectfully requested to be stayed pending the Court's decision on the motion. This motion is filed under SCACR 240(a), 263(b). On February 14, 2014, undersigned counsel spoke with SCDC's counsel, Lake Summers, who consented to this motion being granted.

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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Francis Ackerman, #266928, Malik Aljalil, #219551, Linso Allen, #269378,
Michael Benninger, #264212, Fredrick Brown, #289602, Timothy Brown, #238461,
Terrell Buchanan, #277262, Christopher Bush, #300690, Rudy Cassidy, #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,
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v.

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

Appellate Case No. 2012-210588

AFFIDAVIT

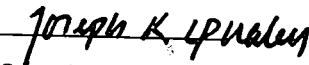
I, Douglas H. Westbrook, depose and state as follows:

1. I represent the Appellants in the above captioned appeal.
2. On February 12, 2014, I received in the mail SCDC's Motion to Strike Items From The Appellants' "Additional" Designation of Matter.
3. I respectfully believe additional time is needed to prepare and file an adequate response with the Court.
4. On February 14, 2014, I spoke with Lake Summers, SCDC's counsel, who consented to Appellants' motion to extend time to file this response.



Douglas H. Westbrook

Signed and Sealed
Before Me This
19th Day of
February, 2014.

 Notary for Chas. County,
My Commission Expires: S.C.

4/4/16

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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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 Cassidy, #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,

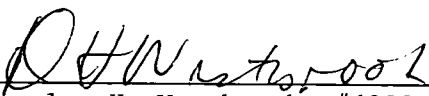
v.

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

Appellate Case No. 2012-210588

PROOF OF SERVICE

I certify that I have served Appellants' Motion For a Twenty (20) Day Extension Until March 12, 2014 to File Response to SCDC's Motion to Strike Filed February 10, 2014, Memorandum in Support of Appellants' Motion For a Twenty (20) Day Extension Until March 12, 2014 to File Response, and Affidavit on the S.C. Department of Corrections by depositing a copy of these documents in the U.S. Mail, postage prepaid, on 2-19-14, 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, SC 29201.



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The Honorable Jenny Abbott Kitchin
Clerk
S.C. Court of Appeals
P.O. Box 11629
Columbia, SC 29211

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FEB 21 2014

SC Court of Appeals

