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APR 16 2014

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

SC 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 Buchanan, #277262, Christopher Buch, #200690,  
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, #279987, Nikia Law,  
#260855, Stephen Lease, #137016, Harry Leonard,  
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#300424, Vondell Sanders, #241308, James Sattler,  
#235043, Joseph Schmitz, #173987, Arthur Scott,  
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#275631, Archie Simmons, #161419, Robert Smith,  
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#228008, Eric Youmous, #281091, Derek Carter,  
#275938, Willie Hare, #256641, Ernest Miller, #235474,  
Robert Norris, #266101, Ronald Simmons, #267937,  
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Anthony Murphy, #295893, Anthony Murray, #237867,  
Johnny Hayes, #267910, Roy Morris, #288777, Daniel  
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Jordan, #292264, Alvin Stewart, #278595, Kevin Poston,  
#266083, Kevin Smith, #272440, Donald Robinson,  
#277520, Douglas Bude, #263537, Willie Elder,  
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#286981, Jacob Beach, #301270, Francis Ackerman,  
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#255998, Sherman Austin, #20028, 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 Harlan, #245705, Johnny Hayes, #267910,  
Steven Hickenbottom, #196263, Alfred Joyner, #260442,  
Donald Lyles, #296135, Henry Baker, #263398, Thomas  
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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, 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

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**RESPONDENT'S 2<sup>nd</sup> MOTION FOR AN EXTENSION OF TIME BY WHICH  
IT MAY FILE ITS REPLY TO THE APPELLANTS' RESPONSE  
TO ITS MOTION TO STRIKE THE APPELLANTS'  
"ADDITIONAL DESIGNATION OF MATTER  
TO BE INCLUDED IN THE RECORD ON APPEAL"**

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By a March 18, 2014 filing, the Respondent, the South Carolina Department of Corrections, moved this Court, by and through its undersigned counsel, to extend the deadline by which it could file its Reply to the Appellants' Response to the Motion to Strike the Appellants' "Additional Designation of Matter to be Included in the Record on Appeal," which the Respondent's undersigned counsel filed on February 10, 2014.

By an order issued March 20, 2014, this Court granted the Respondent's March 18, 2014 extension motion, and, by doing so, it established a new deadline of April 16, 2014 by which the Respondent could file its reply.

However, for the reasons stated below, the Respondent, by and through its undersigned counsel, again respectfully moves this Court **to extend the deadline by which it may file a Reply to the Appellants' Response until Friday, May 2, 2014**.

The Respondent's undersigned counsel moves for such an additional extension in light of obligations and deadlines he recently confronted in several other matters pending in the various courts of our state.

By way of example, the Respondent's undersigned counsel traveled to Walterboro on April 10, 2014 to appear at a hearing in a case pending in circuit court, *Reeves v. South Carolina Municipal Insurance and Risk Financing Fund, et al.*, 2014-CP-15-135. The Respondent's undersigned counsel then returned to Walterboro on April 15, 2014 to conduct depositions in a related case currently pending in federal court, *Reeves v. the Town of Cottageville, et al.*, Case No. 2:12-cv-2765-DCN.

On April 8, 2014, the Respondent's undersigned counsel filed Replies in two (2) other cases currently pending in federal court, *David Christian, III, v. S.C. Dep't of Labor, Licensing and Regulation, et al.*, Case No. 3:12-1382-JFA-PJG, and *Sherry Wilson v. S.C. Dep't of Labor, Licensing and Regulation, et al.*, Case No. 3:12-1750-JFA-PJG.

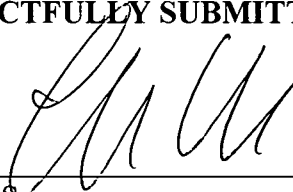
On April 7, 2014, the Respondent's undersigned counsel filed a brief on behalf of the Respondent in the Administrative Law Court in a matter directly related to the instant consolidated appeal, *Fred Gatewood, #289775, v. S.C. Dep't of Corr.*, ALC Docket No. 07-ALJ-04-0517-AP. On April 4, 2014, the Respondent's undersigned counsel filed, with this Court, a

Return on behalf of the Respondent to a Motion to Dismiss filed in the matter styled as *Thomas J. Torrence, #094651, v. S.C. Dep't of Corr.*, Appellate Case No. 2014-000409. On April 2, 2014, the Respondent's undersigned counsel filed a motion to dismiss the Plaintiff's declaratory judgment complaint in *Reeves v. South Carolina Municipal Insurance and Risk Financing Fund, et al.*, 2014-CP-15-135.

The Respondent's undersigned counsel respectfully advises this Court that he consulted by telephone with the Appellants' counsel on April 16, 2014, and the Appellants' counsel consents to the extension of the deadline proposed herein.

Therefore, the Respondent's undersigned counsel respectfully urges this Court to grant his instant motion, and, accordingly, the Respondent's undersigned counsel respectfully urges this Court to extend the deadline by which the Respondent may file its Reply to the Appellants' Response **until Friday, May 2, 2014.**

**RESPECTFULLY SUBMITTED,**



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**Malone, Thompson, Summers & Ott LLC**  
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Columbia, South Carolina 29201  
Office: (803) 254-3300  
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Counsel for Respondent

Columbia, South Carolina  
April 16, 2014

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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**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 MAY FILE ITS REPLY TO THE APPELLANTS' RESPONSE TO 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

April 16, 2014



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LAKE E. SUMMERS