

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

APR 15 2014

The Honorable G. Thomas Cooper, Jr., Circuit Court Judge

SC Court of Appeals

71882

Case No. 2014-000244

Protection and Advocacy for the People with Disabilities, Inc.; M.J.B. on behalf of and as next friend of J.B.; C.B.B. on behalf of and as guardian of P.B.; G.C. and L.C. on behalf of and as guardians of F.C.; D.P. on behalf of and as guardian of C.M.D.; K.F. and S.F. on behalf of and as next friend of A.E.; J.H. on behalf of and as next friend of A.J.; G.M. on behalf of and as next friend of E.M.; N.M. on behalf of and as guardian of E.J.M.; R.P. on behalf of and as Guardian of S.P.; R.R. and J.R. on behalf of and as guardians of K.D.R.; and J.K. on behalf of and as guardian of S.S. **APPELLANTS**

v.

South Carolina Department of Disabilities and Special Needs; Dr. Beverly Buscemi, in her official capacity as Director of the South Carolina Department of Disabilities and Special Needs; and Nancy Banor, Deborah McPherson, Christine Sharp, Rick Huntress, Fred Lynn, Harvey Shiver and Kelly Hanson Floyd, as Commissioners of the South Carolina Department of Disabilities and Special Needs **RESPONDENTS**

**APPELLANTS' MOTION FOR EXTENSION OF TIME
TO FILE AND/OR TO STAY**

Appellants, Protection and Advocacy for the People with Disabilities, Inc.; M.J.B. on behalf of and as next friend of J.B.; C.B.B. on behalf of and as guardian of P.B.; G.C. and L.C. on behalf of and as guardians of F.C.; D.P. on behalf of and as guardian of

1st (45 days)
4-28-14
6-12-14

C.M.D.; K.F. and S.F. on behalf of and as next friend of A.E.; J.H. on behalf of and as next friend of A.J.; G.M. on behalf of and as next friend of E.M.; N.M. on behalf of and as guardian of E.J.M.; R.P. on behalf of and as Guardian of S.P.; R.R. and J.R. on behalf of and as guardians of K.D.R.; and J.K. on behalf of and as guardian of S.S., hereby respectfully move for a forty-five (45) day extension of time for the filing of Appellants' Initial Brief(s) provided in Rule 208, SCACR, regarding the filing of an Appellants' Initial Brief, and regarding the Designation of Matter to be included in the record on appeal on behalf of the Appellants. The Appellants further move for the Court to stay all time limits in Rules 208 and 209, SCACR, for the Appellants to respond and file an Initial Appellants' Brief(s) and responsive Designation of Matters to be Included in the Record on Appeal from the date of filing this motion and until date of receipt by the parties of a copy of the Order by the Court ruling on this Motion for extension. These above-referenced filings are currently due to be filed by the Appellants no later April 28, 2014. The requested additional forty-five (45) day extension would then make the Appellants' Initial Brief and Appellants' Designation of Matter due no later than June 12, 2014.

The reasons for this motion for an additional forty-five (45) days and related stay of the current deadlines from the date of filing said extension request are due to the current work loads of the counsel of record, including additional and unexpected briefing demands due to developments in other matters, health issues, and a number of other deadlines, counsel has not been able to finalize and complete the research and drafting necessary with co-counsel to complete the Initial Appellants' Brief(s) and responsive Designation of Matters to be Included in the Record on Appeal. The Appellants

respectfully request to be allowed the additional time requested. This motion is not made for the purpose of undue delay, but due to unexpected demands.

Prior to filing this motion, the undersigned attorney for Appellants, C. Jo Anne Wessinger Hill, did consult with counsel for the Appellants and has been advised that the Respondents do not have any objection and did agree and consent in writing to the motion to stay and for the extension of time of an additional forty-five (45) days.

WHEREFORE, undersigned counsel for Appellants pray that this Court shall issue an Order staying the time limits set forth in Rules 208 and 209, SCACR, for the Appellants to respond and file an Initial Appellants' Brief(s) and responsive Designation of Matters to be Included in the Record on Appeal from the date of filing this motion and until the parties receive a copy of the Order of the Court deciding this Motion for extension.

WHEREFORE, undersigned counsel for Appellants pray that this Court shall issue an Order allowing the additional time requested and extending for an additional forty-five (45) days the time limits set forth in Rules 208 and 209, SCACR, for the Appellants to respond and file an Initial Appellants' Brief(s) and responsive Designation of Matters to be Included in the Record on Appeal so that the referenced filings shall be due no later than June 12, 2014.

Respectfully submitted this 15th day of April, 2014.

RICHARDSON PLOWDEN & ROBINSON, P.A.

By. 

Steven W. Hamm

swhamm@richardsonplowden.com

C. Jo Anne Wessinger Hill

jhill@richardsonplowden.com

Post Office Drawer 7788

Columbia, South Carolina 29202

(803) 771-4400

(803) 779-0016 facsimile

ATTORNEYS FOR APPELLANTS

Columbia, South Carolina

April 15, 2014

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

APR 15 2014

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

SC Court of Appeals

The Honorable G. Thomas Cooper, Jr., Circuit Court Judge

Case No. 2014-000244

Protection and Advocacy for the People with Disabilities, Inc.; M.J.B. on behalf of and as next friend of J.B.; C.B.B. on behalf of and as guardian of P.B.; G.C. and L.C. on behalf of and as guardians of F.C.; D.P. on behalf of and as guardian of C.M.D.; K.F. and S.F. on behalf of and as next friend of A.E.; J.H. on behalf of and as next friend of A.J.; G.M. on behalf of and as next friend of E.M.; N.M. on behalf of and as guardian of E.J.M.; R.P. on behalf of and as Guardian of S.P.; R.R. and J.R. on behalf of and as guardians of K.D.R.; and J.K. on behalf of and as guardian of S.S. **APPELLANTS**

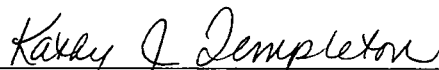
v.

South Carolina Department of Disabilities and Special Needs; Dr. Beverly Buscemi, in her official capacity as Director of the South Carolina Department of Disabilities and Special Needs; and Nancy Banor, Deborah McPherson, Christine Sharp, Rick Huntress, Fred Lynn, Harvey Shiver and Kelly Hanson Floyd, as Commissioners of the South Carolina Department of Disabilities and Special Needs **RESPONDENTS**

PROOF OF SERVICE

The undersigned employee of RICHARDSON PLOWDEN & ROBINSON, P.A., attorneys for Appellant, does hereby certify that service of the foregoing **APPELLANTS' MOTION FOR EXTENSION OF TIME TO FILE AND/OR TO STAY** in the above-captioned matter was made upon all counsel of record this 15th day of April, 2014, by electronic mail and by depositing a copy of same in the U.S. Mail, postage prepaid, addressed as follows:

William H. Davidson, II, Esq.
Kenneth P. Woodington, Esq.
Davidson Morrison & Lindermann, PA
P.O. Box 8568
Columbia, SC 29202
kwoodington@dml-law.com
wdaavidson@dml-law.com


Kathy J. Templeton

April 15, 2014
Columbia, South Carolina

Reply to: Columbia
C. Jo Anne Wessinger Hill
Direct Dial: (803) 576-3714
jhill@RichardsonPlowden.com
Steven W. Hamm
Direct Dial: (803) 576-3713
svhamm@RichardsonPlowden.com

April 15, 2014

VIA HAND DELIVERY

The Hon. Jenny Abbott Kitchings
Clerk
South Carolina Court of Appeals
1015 Sumter Street
Columbia, SC 29211

RECEIVED

APR 15 2014

SC Court of Appeals

Re: Protection and Advocacy for the People with Disabilities, Inc.; M.J.B. on behalf of and as next friend of J.B.; C.B.B. on behalf of and as guardian of P.B.; G.C. and L.C. on behalf of and as guardians of F.C.; D.P. on behalf of and as guardian of C.M.D.; K.F. and S.F. on behalf of and as next friend of A.E.; J.H. on behalf of and as next friend of A.J.; G.M. on behalf of and as next friend of E.M.; N.M. on behalf of and as guardian of E.J.M.; R.P. on behalf of and as Guardian of S.P.; R.R. and J.R. on behalf of and as guardians of K.D.R.; and J.K. on behalf of and as guardian of S.S, **APPELLANTS** v. South Carolina Department of Disabilities and Special Needs; Dr. Beverly Buscemi, in her official capacity as Director of the South Carolina Department of Disabilities and Special Needs; and Nancy Banor, Deborah McPherson, Christine Sharp, Rick Huntress, Fred Lynn, Harvey Shiver and Kelly Hanson Floyd, as Commissioners of the South Carolina Department of Disabilities and Special Needs **RESPONDENTS**
Appeal from Richland County Court of Common Pleas
Case No. 2014-000244

Dear Ms. Kitchings:

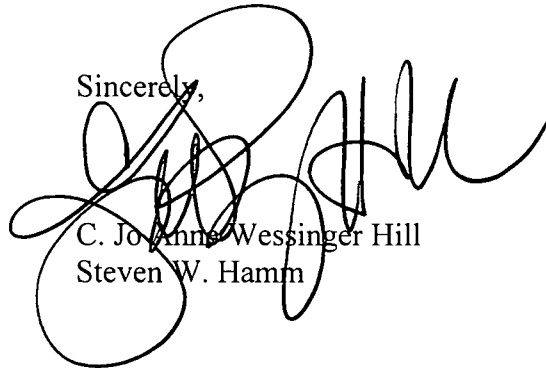
Please find enclosed the original and seven copies of Appellants' Motion for Extension of Time to File and/or to Stay in the above-referenced matter, together with Proof Certificate of Service and our check in the amount of \$25.00 in payment of the filing fee. Please return one clocked copy to the courier.

By a copy hereof we are serving the same on Kenneth P. Woodington, Esq., attorney for the Respondents.

If you should have any questions or concerns, please do not hesitate to contact this office.

With kindest regards, I am

Sincerely,

A handwritten signature in black ink, appearing to be "Steven W. Hamm", written over the typed name. The signature is cursive and somewhat stylized.

C. Jo Anne Wessinger Hill
Steven W. Hamm

SWH/CJWH/kjt

Enclosures

cc: Kenneth P. Woodington, Esq. w/encs.