

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY  
Court of Common Pleas

Marvin H. Dukes III, Circuit Court Judge

Case No. 2012-CP-07-3595

**RECEIVED**

MAY 01 2014

**SC Court of Appeals**

Charles Gary, .....Respondent,

v.

Hattie M. Askew, Will Outlaw, and Deboria Outlaw,  
individually and d/b/a Low Country Medical Transport,  
Low Country Medical Transport, Inc., Eugene A. Kirkland,  
and American Medical Response, Inc. (d/b/a Access2Care) ..... Defendants

Of whom American Medical Response, Inc. (d/b/a  
Access2Care) is, ..... Appellant.

**RESPONDENT CHARLES GARY'S  
RETURN TO APPELLANT'S MOTION FOR AN  
EXTENSION OF TIME TO FILE ITS INITIAL REPLY BRIEF  
AND DESIGNATION OF MATTER**

Pursuant to Rule 240(e) of the South Carolina Appellate Court Rules, the Respondent Charles Gary submits this Return in opposition to the Appellant American Medical Response, Inc.'s (d/b/a Access2Care) ("Access2Care") motion for extension of time to file an initial reply brief and designation of matter filed on April 21, 2014. This is Access2Care's second extension request asking the Court for an additional ten days to file its Initial Reply Brief and Designation of Matter, which were due on April 25, 2014.

Access2Care's Reply Brief was originally due on April 14, 2014. The basis for each extension has been due to other deadlines and other work obligations. See Appellant's Ltr. Ext. dated April 14, 2014, and Appellant's Mot. Ext. dated April 21, 2014, attached hereto.

The Appellant had similar challenges with other deadlines and work obligations that prevented it from filing its initial brief and designation of matter in this case which necessitated two extensions to file its Initial Brief and Designation of Matter. The Court of Appeals issued an Order granting the Appellant the second extension to file its brief and designation of matter, but the Court stated that "No further extensions will be granted absent extraordinary circumstances." South Carolina Court of Appeals Order dated, February 25, 2014, attached hereto. The Appellant has not articulated an extraordinary circumstance that would prevent it from complying with Rule 208(a)(3), except its usual justification of other deadlines and work obligations. Mr. Gary, a paraplegic, who suffered personal injuries and lost his wife in this single ambulance accident, which is the subject of this appeal, has been and will continue to be prejudiced by the Appellant's continued delays in prosecuting this appeal.

Therefore, the Respondent respectfully asks this Court to deny the Appellant's Motion for an extension of time to file its initial Reply Brief and Designation of Matter, which is not mandatory under the South Carolina Appellate Court Rules. See, Rule 208(a)(3), SCACR. Furthermore, the Clerk of the Court of Appeals and/or this Court should not entertain further Motions for extensions by the Appellant to comply with the time frames to serve the Record on Appeal and/or the Appellant's Final Brief, pursuant to the South Carolina Appellate Court Rules, unless extraordinary circumstances are

demonstrated by Motion to the Court. If the Appellant fails to do so, this Court should dismiss the Appellant's appeal.

Respondent respectfully submits that for the reasons stated above, the Appellant's Motion for an Extension of Time to File its Initial Reply Brief and Designation of Matter should be denied and the Record on Appeal should be due 30 days from April 25, 2014.

A handwritten signature in black ink, appearing to read "Joseph Dawson, III", written over a horizontal line.

Joseph Dawson, III  
Post Office Box 41367  
North Charleston, South Carolina 29423  
(843) 207-9004

April 28, 2014  
North Charleston, SC

Attorney for Respondent Charles Gary

# Nelson Mullins

Nelson Mullins Riley & Scarborough LLP  
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April 14, 2014

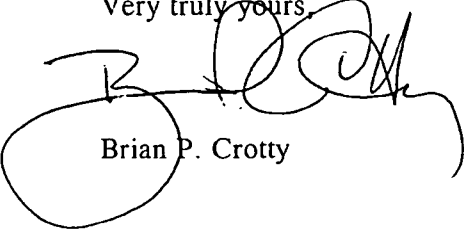
The Honorable Jenny Abbott Kitchings  
Clerk of Court, SC Court of Appeals  
1015 Sumter Street - 5th Floor  
Columbia, SC 29201

RE: Charles Gary v. Hattie M. Askew, Will Outlaw, and Deboria Outlaw,  
individually and d/b/a Lowcounty Medical Transport, Low County Medical  
Transport, Inc., Eugene A. Kirkland, and American Medical Response, Inc.,  
d/b/a Access2Care  
C/A No. 2012-CP-07-43595  
Our File No. 27717/01501

Dear Ms. Kitchings:

Due to other deadlines and work obligations, the Appellant American Medical Response, Inc. d/b/a Access2Care, respectfully requests a ten (10) day extension of time to file its initial reply brief. This is the first request for an extension of time for the reply brief by the Appellant. Respondent's initial brief was served on April 5, 2014, and Appellant's initial reply is currently due on April 15, 2014. With the requested extensions, the new deadline would be April 25, 2014. We would also ask that the Court hold the current deadline in abeyance until an Order is issued on this request. Our check for \$25.00 is enclosed as the required motion fee.

Very truly yours,

  
Brian P. Crotty

BPC:mws  
Enclosure

cc: Joseph Dawson, III  
Cory Fleming, Esquire  
Erin DuBose Dean, Esquire

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APR 21 2014

APPEAL FROM BEAUFORT COUNTY  
Court of Common Pleas

SC Court of Appeals

Marvin H. Dukes, III., Special Circuit Court Judge

Case No. 2012-CP-07-3595

Charles Gary,..... Respondent,

v.

Hattie M. Askew, Will Outlaw, and Deboria Outlaw,  
individually and d/b/a Low Country Medical Transport,  
Low Country Medical Transport, Inc., Eugene A.  
Kirkland, and American Medical Response, Inc. (d/b/a  
Access2Care), ..... Defendants.

Of whom American Medical Response, Inc. (d/b/a  
Access2Care) is ..... Appellant.

**Appellant’s Motion for an Extension of Time to File  
Initial Reply Brief and Designation of Matter**

Pursuant to Rules 208 and 240 of the South Carolina Appellate Court Rules, Appellant, American Medical Response, Inc. (d/b/a Access2Care) (“AMR”), moves this Court for an order granting a ten (10) day extension of time to file Appellant’s Initial Reply Brief and Designation of Matters in the above-captioned appeal. This is AMR’s second extension request. No party will be prejudiced by this extension.

AMR’s Initial Reply Brief and Designation of Matters are due on April 25, 2014. The new deadline, after this 10 day extension, would be May 5, 2014.

The extension is necessitated due to other conflicting deadlines and work obligations. Such conflicts prevent undersigned counsel from completing AMR's Initial Appellant's Reply Brief and Designation of Matters within the current deadline.

Therefore, AMR moves this Court to extend the deadline for its Initial Reply Brief and Designation of Matters until May 5, 2014. AMR asks that the current deadline be held in abeyance pending the Court's resolution of this motion.

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: 

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*Attorneys for American Medical Response, Inc. (d/b/a  
Access2Care)*

Columbia, South Carolina  
April 21, 2014

# The South Carolina Court of Appeals

Charles Gary, Respondent,

v.

Hattie M. Askew, Will Outlaw, and Deboria Outlaw,  
individually and d/b/a Low Country Medical Transport,  
Low Country Medical Transport, Inc., Eugene A.  
Kirkland, and American Medical Response, Inc. (d/b/a  
Access2Care), Defendants.

Of Whom American Medical Response, Inc. (d/b/a  
Access2Care) is the Appellant.

Appellate Case No. 2013-002674

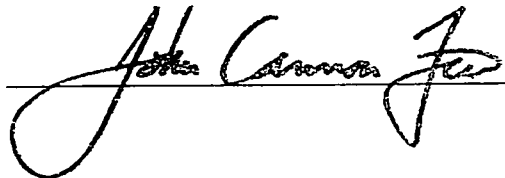
The Honorable Marvin H. Dukes, III  
Beaufort County  
Trial Court Case No. 2012CP0703595

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## ORDER

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Appellant has filed a second extension request for serving and filing the appellant's initial brief and designation of matter. The motion is granted and the time for serving and filing the appellant's initial brief and designation of matter is hereby extended until March 13, 2014. No further extensions will be granted absent extraordinary circumstances.

 C.J.

Columbia, South Carolina

**FILED**

3/25/14 EAC

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY  
Court of Common Pleas

Marvin H. Dukes III, Circuit Court Judge

Case No. 2012-CP-07-3595

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Low Country Medical Transport, Inc., Eugene A. Kirkland,  
and American Medical Response, Inc. (d/b/a Access2Care) ..... Defendants

Of whom American Medical Response, Inc. (d/b/a  
Access2Care) is, ..... Appellant.

CERTIFICATE OF SERVICE

I certify that I have served the **Respondent's Return to Appellant's Motion for Extension of Time to File its Initial Brief and Designation of Matter to be Included in the Record on Appeal** on all parties to the appeal by depositing a copy of the same in the United States Mail, postage prepaid, on April 28, 2014, addressed to its counsel of record as follows:

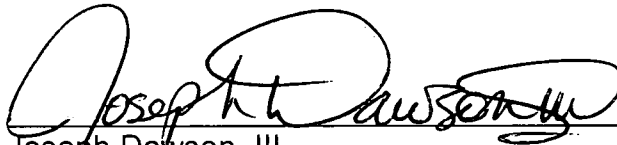
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Michael J. Anzelmo, Esq.  
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A handwritten signature in black ink that reads "Joseph Dawson, III". The signature is written in a cursive style with a horizontal line underneath it.

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Attorney for Respondent Charles Gary

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April 28, 2014

The Honorable Jenny Abbott Kitchings  
Clerk of Court  
S.C. Court of Appeals  
Post Office Box 11629  
Columbia, SC 29211

RE: Charles Gary v. Hattie M. Askew, Will Outlaw, and Deboria Outlaw, individually and d/b/a LowCountry Medical Transport, Low Country Medical Transport Inc., Eugene A. Kirkland, and American Medical Response, Inc., d/b/a Access2Care  
Case Number 12-CP-07-3595  
Appellate Case # 2013-002674

Dear Ms. Kitchings:

Enclosed please find the original and seven copies of the Respondent's Return to the Appellant's Motion for an Extension to file its Initial Reply Brief and Designation of Matter along with a certificate of service in the above-referenced matter. Please file the same and return a date-stamped filed copy to me in the enclosed self-addressed stamped envelope.

Sincerely,



Joseph Dawson, III, Esq.

cc: Brian P. Crotty, Esquire  
Erin D. Dean, Esquire  
Cory Fleming, Esquire  
H. Cooper Wilson, III, Esquire

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MAY 01 2014

**SC Court of Appeals**

Joseph Dawson, III, Esq.  
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SC Court of Appeals

The Honorable Jenny Abbott Kitchings  
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SC Court of Appeals

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