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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

Trial Court Case No. 07-ALJ-04-0517-AP
Appellate Case No. 2014-001199

Fred Gatewood, #289775, Appellant,

v.

South Carolina Department of Corrections, Respondent.

**RESPONDENT’S MOTION FOR A 45-DAY EXTENSION OF THE
DEADLINE BY WHICH IT MAY FILE ITS INITIAL BRIEF
AND DESIGNATION OF MATTER**

For the reasons stated below, the Respondent, the South Carolina Department of Corrections, by and through its undersigned counsel, respectfully moves the Court for a 45-day extension of the deadline by which it may file its initial brief and designation of matter to be included in the record on appeal in the instant case.

The Respondent’s undersigned counsel received the Appellant’s initial brief and designation of matter from the Appellant’s counsel on July 2, 2014.

The Respondent’s undersigned counsel now move, in light of activity in other cases in which they have recently been involved and will continue to be involved, for a 45-day extension of the deadline by which the Respondent may file its initial brief and designation of matter in the instant case.

Specifically, the Respondent's undersigned counsel have, since they received the Appellant's initial brief and designation of matter on July 2, 2014, performed the following tasks in the matter styled as *Ashley Reeves as the Personal Representative for the Estate of Reeves v. Town of Cottageville, Cottageville Police Department & Randall Price*; Civil Action No. 2:12-2765-DCN (United States District Court – Charleston Division): submitted proposed *voir dire* and strikes for cause on July 2, 2014; participated in jury selection on July 9, 2014; participated in the depositions of expert witnesses on July 10, 11, and 15, 2014; prepared and filed a motion to compel production on July 25, 2014; prepared and filed a reply to the plaintiff's opposition to a motion they filed to exclude one of the plaintiff's expert witnesses on July 28, 2014; prepared and filed a motion to disqualify plaintiff's counsel and his law firm on July 29, 2014; and prepared and filed two (2) motions in limine on July 30, 2014.

Additionally, the Respondent's undersigned counsel was scheduled to participate in a second mediation session in *Reeves*, which had been scheduled for July 30, 2014. However, the federal court in *Reeves* excused the parties and their counsel from the second mediation session on the afternoon of July 29, 2014.

The Respondent's undersigned counsel must further appear in federal court on Monday, August 4, 2014 in *Reeves* in order to litigate the parties' pre-trial motions, and they must file their pre-trial briefs no later than Wednesday, August 6, 2014.

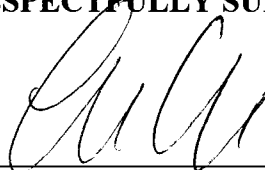
Finally, the trial of *Reeves* is scheduled to begin in federal court on Monday, August 11, 2014, and the trial is expected to last as long as two (2) weeks.

The Respondent's undersigned counsel respectfully advises this Court that they recently consulted with the Appellant's counsel, and the Appellant's counsel has graciously consented to

the instant motion by which the Respondent's counsel seeks a 45-day day extension of their deadline by which to file the Respondent's initial brief and designation of matter.

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 must file its initial brief and designation of matter to be included in the record on appeal in the instant matter until Monday, September 15, 2014.

RESPECTFULLY SUBMITTED,



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Counsel for Respondent

Columbia, South Carolina
July 31, 2014

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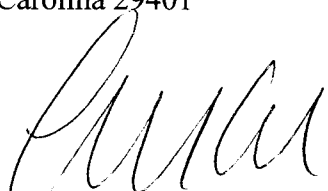
South Carolina Department of Corrections, Respondent.

PROOF OF SERVICE

I certify that I have served the Respondent's **MOTION FOR 45-DAY EXTENSION BY WHICH TO FILE ITS INITIAL BRIEF AND DESIGNATION OF MATTER** on the above named Appellant by mailing a copy of his counsel, first class postage pre-paid, at the following address:

Douglas H. Westbrook, Esquire
Attorney at Law
23 Broad Street
Charleston, South Carolina 29401

July 31, 2014



Lake E. Summers