

DOUGLAS H. WESTBROOK
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CHARLESTON, SOUTH CAROLINA 29401
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August 8, 2014

RECEIVED
AUG 11 2014
SC Court of Appeals

The Honorable Jenny Abbott Kitchings
Clerk
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Re: Francis Ackerman, #266928, et al. v. SCDC
Appellate Case No. 2012-210588

Dear Ms. Kitchings:

Please find enclosed for filing with the Court the Proof of Service of the Record, along with Proof of Service (SCACR 210(a), 262(b)(2)), for the above captioned appeal.

By copy of this letter, I have this date served a copy of the Record (vol. 1-13) and the above two Proofs of Service, on counsel for the Respondent SCDC, Lake Summers and Katherine Phillips.

Finally, I enclose a copy of Appellants' January 7, 2014 Motion to Extend Deadlines, and related documents, requesting 60 days to file and serve the Record and final briefs under SCACR 210(b), 211(a). Since filing the motion, the final count of Record pages is now 5954, up from an estimated 5112.

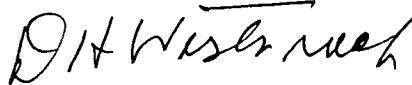
Moreover, I have recently learned that, due to the length of the Record, the copy provider (Office Depot) must send this phase of the job to its Georgia facility to handle. At this writing, I have not received confirmation from the Georgia facility that it can handle the job, and assuming it can, how I will be able to review the work as it progresses. Obviously, this is a large Record to prepare.

For these reasons, I respectfully request that appellants be given at least 60 days from today's date, or until October 07, 2014, to file and serve the Record and final briefs under SCACR 210(b), 211(a). Prior to filing the January 7 motion, SCDC's counsel kindly consented to it.

The Honorable Jenny Abbott Kitchings
August 8, 2014
Page Two

Thank you for your assistance and consideration in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "D H Westbrook". The signature is written in a cursive style with a horizontal line above the "W".

Douglas H. Westbrook

DHW/
Encl.

cc: Lake Summers, Esq.
Katherine Phillips, Esq.

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,
07-ALJ-04-00447-AP, 07-ALJ-04-00448-AP, 07-ALJ-04-00449-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 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, #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,
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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,
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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,
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Perry Deveaux, #109601, James Wells, #180458, Cedric Martino, #291396,
Donald McAteer, #292961, Robert Wydman, #260331, Anthony Wright, #214007,
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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.

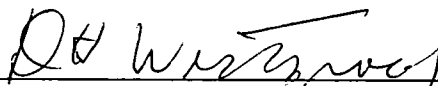
South Carolina Department of Corrections.....Respondent.

Appellate Case No. 2012-210588

PROOF OF SERVICE

I certify that I have served a copy of the Proof of Service of the Record on Appeal on Respondent SCDC, by depositing a copy of the Proof of Service in the U.S. Mail, postage prepaid, on August 08, 2014, addressed to its attorneys of record, Lake Summers and Katherine Phillips, of Malone, Thompson, Summers & Ott, LLC, 339 Heyward St., Ste. 200, Columbia, SC 29201.

August 08, 2014.


Douglas H. Westbrook, #6039
23 Broad St.
Charleston, SC 29401
(843) 853-9600
Attorney for Appellants

SD

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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APPEAL FROM THE ADMINISTRATIVE LAW COURT
Ralph K. Anderson, III, Chief Administrative Law Judge

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Wilbert Mills, #244004, Howard Grant, #255473, Timothy Wilson, #261971,
Rodney Elliott, #251337, Henry Rivers, #219118.....Appellants,

v.

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

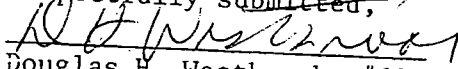
Appellate Case No. 2012-210588

APPELLANTS' MOTION TO EXTEND DEADLINES

COMES NOW, Appellants by counsel, who respectfully request an extension of the deadlines for: (1) serving a copy of the Record on Appeal on Respondent SCDC under SCACR 210(a) no later than 90 days after Appellants have filed their response to SCDC's pending motion to strike; and (2) filing 15 copies of the Record on Appeal and final briefs under SCACR 210(b), 211(a) no later than 60 days after Appellants have served a copy of the Record on Appeal on Respondent SCDC.

On January 6, 2014, undersigned counsel spoke with SCDC's counsel, Mr. Summers, who consented to whatever additional time needed to perform the duties described above.

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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Rodney Elliott, #251337, Henry Rivers, #219118.....Appellants,

v.

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

Appellate Case No. 2012-210588

APPELLANTS' MEMORANDUM IN SUPPORT OF
APPELLANTS' MOTION TO EXTEND DEADLINES

COMES NOW, Appellants by counsel, who state the following Memorandum
in support of their motion to extend deadlines.

1. On November 27, 2013, the Department of Corrections (SCDC) mailed
to undersigned counsel SCDC's initial brief and designation of matter, and
motion to strike items from Appellants' designation. Undersigned received
these documents on November 29, 2013.
2. On December 5, 2013, undersigned filed and served Appellants' motion
for extension of time to file their initial reply brief and designation of
matter until January 9, 2014, and for an additional 30 days after that to
file their response to SCDC's motion to strike.
3. On December 11, 2013, the Court issued its order extending the reply
brief deadline to January 8, 2014. The order did not address Appellants'
request for an extension to respond to the motion to strike.
4. On December 27 and 31, 2013, undersigned spoke with the case manager
for this case, who stated the Court would set the motion to strike response

deadline after Appellants have filed their initial brief.

5. Today, January ⁷8, 2014, Appellants have filed their initial reply brief and additional designation of matter. Under the rules, the deadline for Appellants to serve a copy of the Record on Appeal on Respondent SCDC is within 30 days of today's date (SCACR 210(a)). Within 20 days after that, Appellants are required to file 15 copies of the Record on Appeal and their final briefs (SCACR 210(b), 211(a)).

6. Obviously, the next 30 days is the period Appellants have requested in their December 5, 2013 motion to respond to SCDC's motion to strike.

7. This Record on Appeal, with all designations now filed, looks to be approximately 5112 pages long. Undersigned respectfully believes it will require considerably more time to compile, prepare and copy than the usual appellate record.

8. For the above reasons, Appellants respectfully request an extension of the deadlines for: (1) serving a copy of the Record on Appeal on Respondent SCDC under SCACR 210(a) to be no later than 90 days after Appellants have filed their response to SCDC's pending motion to strike; and (2) filing 15 copies of the Record on Appeal and final briefs under SCACR 210(b), 211(a) to be no later than 60 days after Appellants have served a copy of the Record on Appeal on Respondent SCDC. Obviously, Appellants agree to SCDC being governed by the same extension to file its final brief.

9. This motion is filed pursuant to SCACR 240(a), 263(b).

Respectfully submitted,

DH Westbrook

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

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Demetrius Wheeling, #264976, Leon Wilson, #155867, Jeffrey Tevis, #216442,
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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

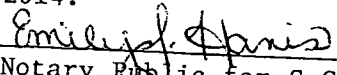
AFFIDAVIT

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

1. I represent the appellants in the above captioned appeal.
2. After all designations have been filed, I estimate this Record on Appeal to be approximately 5112 pages long, based on review of those designations.
3. I respectfully believe this record will require considerably more time to compile, prepare and have copied than the usual appellate record.
4. On January 6, 2014, I spoke with SCDC's counsel, Mr. Summers, who kindly consented to whatever time needed to perform the duties described in the within motion and memorandum.



Douglas H. Westbrook

Signed and Sworn
To Before Me This
10th Day of January,
2014.

Notary Public for S.C.
My Commission Expires:
11/07/23

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT
Ralph K. Anderson, III, Chief Administrative Law Judge

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07-ALJ-04-00447-AP, 07-ALJ-04-00448-AP, 07-ALJ-04-00449-AP,
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Tyrone Aiken, #248367, Frank Anderson, #282800, Ronald Brewer, #285756,
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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,

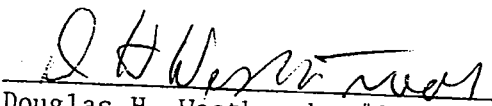
v.

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

Appellate Case No. 2012-210588

PROOF OF SERVICE

I certify that I have served the Appellants' Motion to Extend Deadlines, Memorandum in Support of Appellants' Motion to Extend Deadlines, and Affidavit on the S.C. Department of Corrections by depositing a copy of these documents in the U.S. Mail, postage prepaid, on Jan. ⁷ 8, 2014, 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.


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,
07-ALJ-04-00447-AP, 07-ALJ-04-00448-AP, 07-ALJ-04-00449-AP,
07-ALJ-04-00500-AP, 07-ALJ-04-00501-AP, 07-ALJ-04-00502-AP,
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SC Court of Appeals

08-ALJ-04-00967-IJ, 08-ALJ-04-00968-IJ, 08-ALJ-04-00969-IJ,
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08-ALJ-04-01045-IJ, 09-ALJ-04-00304-IJ, 07-ALJ-04-00826-AP.*

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 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, #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,
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CHARLESTON, SOUTH CAROLINA 29401
TELEPHONE: (843) 853-9600
FAX: (843) 577-2241

January 7, 2014

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

Re: Francis Ackerman, #266928, et al. v. SCDC
Appellate Case No. 2012-210588

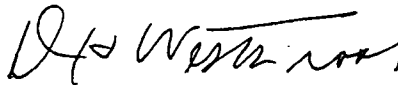
Dear Ms. Kitchings:

Please find enclosed for filing with the Court the original and six copies of Appellants' Motion To Extend Deadlines, Memorandum in Support of Motion to Extend Deadlines, Affidavit, and Proof of Service, for the above captioned appeal. I also enclose a check for the \$25 filing fee.

By copy of this letter, I have this date served a copy of these documents on counsel for the Respondent Department of Corrections.

Thank you for your assistance in this matter.

Sincerely,



Douglas H. Westbrook

DHW/
Encl.

cc: Lake Summers, Esq.
Katherine Phillips, Esq.