

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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AUG 07 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**

**APPELLANTS' MOTION FOR EXTENSION OF TIME
TO FILE INITIAL REPLY BRIEF FOR GOOD CAUSE 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

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 fourteen (14) day extension of time for the filing of Appellants' Initial Reply Brief(s) provided in Rule 208, SCACR.

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' Reply Brief 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.

The Respondent's Initial Brief was not received until Tuesday, August 5, 2014 by U.S. Mail even though it was deposited in the U.S. Mail on Thursday, July 31, 2014 as it took five (5) days from the date of mailing to be received. The Reply Brief is currently due to be filed by the Appellants no later August 11, 2014 (which is 10 days from mailing) and only gave about four business days from the date of receipt to work on the Reply Brief. The reasons for this motion requesting an additional fourteen (14) day extension is needed due to the current workloads of the counsel of record, including additional and unexpected briefing demands due to developments in other matters this week when the Respondent's Brief was received, other deadlines, delay in the delivery by the US Mail system, the death and memorial service of counsel Steve Hamm's mother and counsel Hill's pre-planned scheduled family vacation beginning August 8, 2014 through August 15, 2014 and her recent health issues. With the grant of this request for extension made with good cause, it would then make the Appellants' Initial Reply Brief

due no later than August 25, 2014. 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, mail delays, and personal matters.

Prior to filing this motion, the undersigned attorney for Appellants, C. Jo Anne Wessinger Hill, did consult with counsel for the Respondents, Kenneth P. Woodington, Esq., 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 time.

WHEREFORE, undersigned counsel for Appellants pray that this Court shall issue an Order staying the time limits set forth in Rule 208, SCACR, for the Appellants to respond and file an Initial Appellants' Reply Brief 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 fourteen (14) days the time limits set forth in Rule 208, SCACR, for the Appellants to respond and file an Initial Appellants' Reply Brief so that the referenced filings shall be due no later than August 25, 2014.

Respectfully submitted this 6 day of August, 2014.

RICHARDSON PLOWDEN & ROBINSON, P.A.

By: 

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August 6, 2014

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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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 7th day of August, 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
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Kathy J. Templeton

August 7, 2014
Columbia, South Carolina

August 7, 2014

VIA HAND DELIVERY

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

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AUG 07 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. 2007-CP-40-02187
Appellate Case No. 2014-000244

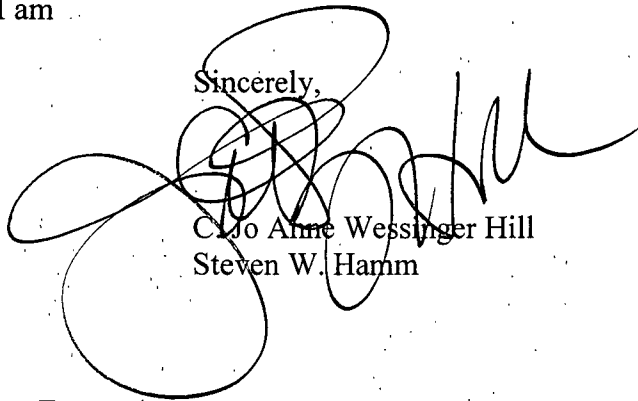
Dear Ms. Kitchings:

Please find enclosed the original and seven copies of the Appellants' Motion for Extension of Time to File and/or to Stay in the above-referenced matter, together with Proof 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.

If you should have any further questions or concerns, please do not hesitate to contact me. Opposing counsel has been consulted and does not provide consent to same and is being copied as referenced below. Thank you for your assistance in this matter.

With kindest regards, I am

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read 'Jo Anne Wessinger Hill', is written over the typed name.

Jo Anne Wessinger Hill
Steven W. Hamm

SWH/CJWH/kjt

Enclosures

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