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SEP 15 2014

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the 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 SECOND MOTION FOR AN 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 second 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.

By an order dated August 1, 2014, this Court granted the Respondent's first motion for an extension of the aforementioned deadline.

The Respondent's undersigned counsel now again move, in light of recent and on-going activity in other cases in which they are involved, for a second 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 Court's August 1, 2014 order, continued to engage in pre-trial activity 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).

The trial in *Reeves*, which is anticipated to last approximately two (2) weeks, was originally scheduled to begin on August 11, 2014, but, by orders it issued August 1 and 20, 2014, the federal court postponed the trial's start date until Wednesday, October 1, 2014. The parties will select a jury for the trial of *Reeves* on September 30, 2014, and pre-trial briefs are due no later than September 25, 2014. Counsel must also appear before the federal court for a pre-trial conference today, September 15, 2014.

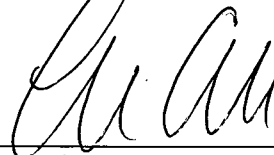
Additionally, the Respondent's undersigned counsel filed, on Friday, September 12, 2014, a motion for summary judgment on behalf of the defendant in another matter pending in federal court, which is styled as *Nance v. University of South Carolina*, 3:13-1803-CMC-JDA (United States District Court – Columbia Division).

In support of the defendant's summary judgment motion in *Nance*, the Respondent's undersigned counsel prepared and filed a 49-page memorandum of law and nearly 1,000 pages of allied exhibits.

The Respondent's undersigned counsel respectfully advises this Court that they consulted with the Appellant's counsel on Thursday, September 11, 2014, and the Appellant's counsel has again graciously consented to the instant motion by which the Respondent's counsel seeks a second 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 again 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 October 31, 2014.

RESPECTFULLY SUBMITTED,



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Counsel for Respondent

Columbia, South Carolina
September 15, 2014

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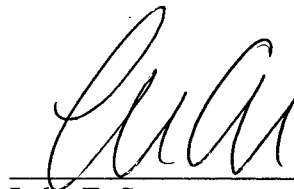
South Carolina Department of Corrections, Respondent.

PROOF OF SERVICE

I certify that I have served the Respondent's **SECOND MOTION FOR AN EXTENSION OF THE DEADLINE BY WHICH IT MAY 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

September 15, 2014



Lake E. Summers