

STATE OF SOUTH CAROLINA
In the Supreme Court

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APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

SEP 25 2014

The Honorable Michael J. Baxley, Circuit Court Judge

S.C. SUPREME COURT

Case No. 2007-CP-10-1553

Jamesetta Washington, as Guardian ad Litem for
Jayden W., a minor,Petitioner

v.

Edmund Rhett, Jr., M.D., Low Country Obstetrics and Gynecology, P.A. Tenet
South Carolina, Inc. d/b/a East Cooper Regional Medical Center and AMN
Services, Inc. f/k/a Nurses RX Inc.Defendants

OF WHOM Edmund Rhett, Jr., MD isRespondent

MOTION FOR EXTENSION

Pursuant to Rule 240 and 242, SCACR, Petitioner Jamesetta Washington, as Guardian ad Litem for Jayden W., a minor, requests a five (5) day extension of the deadline for filing and serving her Brief and the additional copies of the Appendix, if a five day extension is possible. If under the current rules and circumstances of this case only a ten day extension may be granted, then Petitioner respectfully requests that the ten (10) day extension be granted in lieu of the five day extension of time.

The current deadline is thirty days from the date the petition was granted. The petition was granted on August 25, 2014. If Petitioner's request for an extension is granted, Petitioner's revised

deadline to file and serve its Brief will be September 29, 2014 if the five day extension of time is granted, or October 4, 2014, if the alternative ten day extension of time is granted.

Petitioner is aware of the order from the Supreme Court of South Carolina entered July 16, 2014 denoting new rules for requests for extensions of time in cases filed under Rule 242, SCACR. The end of the order notes that the order is effectively immediately, but provides that if a party has been granted extensions totaling twenty (20) days or more prior to the date of this order, one additional extension of ten (10) days may be granted upon a showing of good cause, but any further extensions will be granted only upon a showing of extraordinary circumstances. The order also reflects that a five day extension of time may be granted for good cause shown, so long as extensions totaling no more than twenty days had been granted.

Petitioner's records reflect that on June 27, 2014, Petitioner requested a 10 day extension of time to file and serve Petitioner's Reply to Respondent's Return. The order was received by this Court on June 30, 2014, and this Court granted the 10 day extension on July 2, 2014. Petitioner's records similarly reflect that the Reply was in fact filed on July 9, 2014. Petitioner's records reflect no other extensions being requested or granted to the benefit of Petitioner.

Thus, under the new rule, Petitioner would qualify for the "good cause" standard for granting an extension of at least an additional ten days under the new rule. Moreover, because the last requested extension by Petitioner occurred prior to the entry of this Court's July 16, 2014 order, Petitioner would also receive the benefit of the good cause standard as provided by the last paragraph of this Court's order.

Petitioner sets forth his good cause for granting a ten day extension as follows. First, the paralegal that assisted this firm with appellate court matters was terminated for cause within the past month. Counsel for Petitioner has had pending briefings with the South Carolina Court of

Appeals and this Court during this period of time. Counsel for Petitioner has been required to rely upon help from paralegals inexperienced with appeals to navigate the appellate court process. Asking an inexperienced paralegal to handle this responsibility in addition to current responsibilities has caused delays. Additionally, the record on appeal in this case is over three thousand pages and consists of eight volumes. This was a two week trial.

Accordingly, Petitioner respectfully requests this Court grant the undersigned's motion for an extension of time. Because of some confusion on Petitioner's part regarding the old rules, the new rules, the last paragraph of this Court's July 16, 2014 Order, and the permissible requests for extensions of time in Section (1) of the July 16, 2014 Order, Petitioner has requested first, an extension of only five (5) days. As it appears that only a ten day extension has been previously requested by Petitioner, Petitioner would be considered for the good cause standard and the permissible five day extension found under (1). Should this court determine otherwise, Petitioner requests the benefit of the additional ten (10) day extension for good cause as found under the last paragraph of the order, where any previous extensions had been granted prior to entry of the Court's July 16, 2014 Order.

By: 

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PROOF OF SERVICE

The undersigned, an attorney in this matter certifies that I have this **24th day of September, 2014**, served a copy of a request for Extension of Time to file Petitioner's Brief upon counsel for Respondent by depositing in the United States mail, first-class postage prepaid, addressed to:

Robert H. Hood, Esq.
Molly H. Craig, Esq.
Deborah H. Sheffield, *of counsel*
Hood Law Firm, LLC
172 Meeting St.
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