

STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT  
Carolyn C. Matthews, Administrative Law Judge

**RECEIVED**

NOV 12 2014

**SC Court of Appeals**

Case No. 2013-ALJ-08-0159-AP

Peter Brown ..... Appellant,

vs.

South Carolina Department of Health and Human Services..... Respondent.

**CONSENT MOTION REQUESTING A 20-DAY EXTENSION**

COMES NOW, Appellant, through his attorney of record, Kirby Mitchell of the South Carolina Legal Services (SCLS) law firm, and requests a 20-day extension of time until Monday, December 1, 2014, in which to file his brief on the issue of mootness (which this Court ordered in its order appointing Kirby Mitchell as attorney for Peter Brown on October 10, 2014), for the following reasons:

1. Appellant's attorney has engaged in written settlement negotiations with Respondent's attorney, Kenneth Woodington, which could lead to a mutually-beneficial resolution of this appeal for both parties.

2. Both Appellant's attorney and Respondent's attorney request this 20-day extension to give a little more time for their respective clients to review the exchanged written settlement offer and review and sign their consents.

3. This is Appellant's attorney's 1<sup>st</sup> such request for an extension and this request is in good faith, is with the direct consent and support of Respondent's attorney, and based on all circumstances this request results in no prejudice towards any party in this case.

**I SO MOVE.**



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Kirby Mitchell, S.C. Bar 11640  
South Carolina Legal Services  
701 South Main Street, Greenville, SC 29601  
Phone: (864) 679-3247  
Fax: (864) 679-3260  
Attorney for Appellant  
[kirbymitchell@sclegal.org](mailto:kirbymitchell@sclegal.org)

This 10<sup>TH</sup> day of NOVEMBER, 2014, at Greenville, South  
Carolina.

# The South Carolina Court of Appeals

Peter Brown, Appellant,

v.

South Carolina Department of Health and Human  
Services, Respondent.

Appellate Case No. 2014-000443

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## ORDER

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In an April 28, 2014 order, this court relieved counsel for Appellant. Subsequently, on July 2, 2014, this court notified Appellant that it had not received notification of new counsel, and thus, assumed Appellant was proceeding pro se. We further ordered Appellant to serve and file his initial brief and designation of matter within thirty days. Appellant responded, claiming he did not receive the April 28 order and he has been unable to obtain counsel. Respondent has filed a motion to dismiss, arguing the appeal is moot and Appellant has failed to file an initial brief and designation of matter.

After careful consideration, we deny the motion to dismiss and appoint Kirby Mitchell, of South Carolina Legal Services, to represent Appellant. Further, we direct Appellant to file a memorandum addressing mootness within thirty days of the date of this order.

  
FOR THE COURT

Columbia, South Carolina

**FILED**  
10/10/14

cc: Peter Brown  
Kenneth P. Woodington, Esquire  
Richard G. Hepfer, Esquire  
Byron Ronald Roberts, Esquire  
Kirby Mitchell, Esquire

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**CERTIFICATE OF SERVICE**

I certify that I have served the Consent Motion for 20-Day Extension to Respondent's attorney by mailing through regular U.S. mail to Kenneth Woodington, Davidson & Lindermann, PA, P. O. Box 8568, Columbia, SC 29202 on this Monday, November 10, 2014.

  
Kirby Mitchell, S.C. Bar 11640  
South Carolina Legal Services  
701 South Main Street, Greenville, SC 29601  
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Fax: (864) 679-3260  
Attorney for Appellant  
[kirbymitchell@sclegal.org](mailto:kirbymitchell@sclegal.org)

November 10, 2014



**South Carolina  
Legal Services**

701 South Main Street, Greenville South Carolina 29601  
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[www.sclegal.org](http://www.sclegal.org) / [www.lawhelp.org/sc](http://www.lawhelp.org/sc)

November 10, 2014

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

Re: *Peter Brown v. SC DHHS*  
*Case No.: 2013-ALJ-08-0159-AP*  
*Appellate Case: 2014-000443*

Dear Ms. Kitchings:


I represent Appellant in the above-referenced appeal.

Enclosed please find my Motion Requesting a 20-Day Extension. Respondent's attorney, Kenneth Woodington, and I have consulted regarding this and Mr. Woodington supports and consents to this request.

Note regarding the \$25 filing fee – our office manager is not in the office today, so I am not able to forward the normal \$25 filing fee with this motion – thus, I request the Court allow me time to get the check from our office manager when she is back in the office on Wed., Nov. 12<sup>th</sup>, or in the alternative, based on the circumstances present in this case, consider waiving the normal \$25 fee for this particular motion.

Please call me with any questions and/or if you need further information (my direct line: 864-679-3247). With kind regards, I am

Yours very truly,

  
Kirby Mitchell  
Senior Litigation Attorney

Enclosure

cc: Kenneth Woodington, attorney for Respondent

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Honorable Jenny Abbott Kitchings  
South Carolina Court of Appeals  
Box 11629  
Columbia, SC 29211

