

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
DeAndrea Gist Benjamin, Circuit Court Judge

Case No. 2010-CP-40-1343

RECEIVED

MAR 12 2015

SC Court of Appeals

75330

James W. Trexler,

Appellant,

v.

Richland County and the Sheriff of Richland County,
in his official capacity, a/k/a Richland County
Sheriff's Department,

Respondents.

**MOTION FOR EXTENSION TO
FILE INITIAL BRIEF**

The Respondents respectfully move this Court for an additional seven day extension of time until March 20, 2015, by which to file and serve their Initial Brief and Designation of Matter to be Included in the Record on Appeal.

The Respondents' motion is based on the following grounds:


1. The Initial Brief is currently due to be filed and served on March 13, 2015.

2. The undersigned counsel for the Respondents requires additional time to complete the preparation of the Initial Brief because of other deadlines and obligations, including a Federal Court summary judgment motion and two other appellate briefs due this past week as well as an all-day deposition in Beaufort this week. Additionally, the undersigned has an additional appellate brief due in the Supreme Court on March 16, 2015, and oral argument in the Supreme Court on March 17, 2015.

3. Counsel for the Appellant has been consulted and has consented to the requested extension. (See attached email).

WHEREFORE, the Respondents respectfully request that they be allowed until March 20, 2015, by which to file and serve their Initial Brief and Designation of Matter to be Included in the Record on Appeal.

DAVIDSON & LINDEMANN, P.A.

BY: 

ANDREW F. LINDEMANN
ROBERT D. GARFIELD
1611 Devonshire Drive
Post Office Box 8568
Columbia, South Carolina 29202
(803) 806-8222

Counsel for Respondents

Columbia, South Carolina

March 12, 2015

Andrew Lindemann

From: W. Westbrook Wills III <wwills@wwillslaw.com>
Sent: Thursday, March 12, 2015 11:54 AM
To: Andrew Lindemann
Cc: matt@matthamricklaw.com; William H. Johnson
Subject: Re: Trexler appeal - IMPORTANT

Andrew,

We have no problem consenting to the extension you propose below.

Brook

W. Westbrook Wills III
The Law Office of W. Westbrook Wills III
P.O. Box 822
Folly Beach, SC 29439
Tel. (843) 805-6300
Fax (866) 922-8596

Confidentiality Note: This e-mail, and any attachment to it, contain privileged and confidential information intended only for the use of the individual(s) or entity named on the e-mail. If the reader of this e-mail is not the intended recipient, or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination, distribution, copying or other use of this e-mail message and any attachment to it is strictly prohibited. We do not waive attorney-client or work product privileges by the transmission of this e-mail. If you have received this message in error, please immediately notify us by return e-mail and/or telephone (843-805-6300) and delete the message in its entirety.

On Mar 12, 2015, at 11:46 AM, Andrew Lindemann <alindemann@dml-law.com> wrote:

Matt, Brook and William:

I need a favor. Our Initial brief is due Friday. I need to ask the Court of Appeals for an additional week – through March 20th. I have another Supreme Court brief due this coming Monday, plus I had two other briefs as well as a Federal SJ that were due earlier this week. My son also has a baseball game tonight that I'd really like not to miss.

I need to file that motion this afternoon. Can I inform the Court that the Appellant consents. I would appreciate the courtesy.

Thanks.

Andrew

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DeAndrea Gist Benjamin, Circuit Court Judge **SC Court of Appeals**

Case No. 2010-CP-40-1343

James W. Trexler, Appellant,

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Sheriff's Department, Respondents.

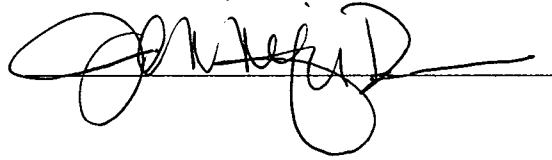
CERTIFICATE OF SERVICE

The undersigned employee of Davidson & Lindemann, P.A., counsel for the Respondents, does hereby certify that service of the **Motion for Extension to File Initial Brief** in the above-captioned matter was made upon all counsel of record by placing copies in the United States Mail, first class postage prepaid, at the below listed addresses clearly indicated on said envelopes this the 12th day of March 2015:

William H. Johnson, Esquire
Law Offices of William H. Johnson, LLC
Post Office Box 137
Manning, South Carolina 29102

W. Westbrook Wills, III, Esquire
The Law Office of W. Westbrook Wills, III
Post Office Box 822
Folly Beach, South Carolina 29439

Matthew D. Hamrick, Esquire
Matthew D. Hamrick Attorney at Law
Coleman Executive Center
222 West Coleman Boulevard
Mt. Pleasant, South Carolina 29464

A handwritten signature in black ink, appearing to read "Matthew D. Hamrick", written over a horizontal line.

DAVIDSON & LINDEMANN, P.A.

ATTORNEYS AND COUNSELLORS AT LAW

William H. Davidson, II
Andrew F. Lindemann*
James M. Davis, Jr.†
Robert D. Garfield
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Daniel C. Plyler
Joel S. Hughes
Justin T. Bagwell
David A. DeMasters
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Todd R. Flippin

*Also Admitted In North Carolina
†Certified Mediator

March 12, 2015

Of Counsel
Kenneth P. Woodington

Writer's Email: alindemann@dml-law.com

Hand Delivered

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RE: James W. Trexler v. Richland County and the Sheriff of Richland County, in his official Capacity, a/k/a Richland County Sheriff's Department
Appellate Case Number: 2014-002032
Civil Action Number: 2010-CP-40-1343
Our File Number: 314.8441

Dear Ms. Kitchings:

Please find enclosed for filing the original and seven copies of the **Motion for Extension to File Initial Brief** in the above referenced matter. Please file the original and return a clocked-in copy to me by way of my courier. I have also enclosed my firm's \$25.00 check for the filing fee.

By copy of this letter, I am serving copies on all counsel of record.

Thank you for your assistance in this matter.

Sincerely,

DAVIDSON & LINDEMANN, P.A.



Andrew F. Lindemann

AFL/jmb
Enclosures

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SC Court of Appeals

The Honorable Jenny Abbott Kitchings
March 12, 2015
Page Two

cc: (w/ Enclosure)

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