

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

JUL 13 2015

APPEAL FROM RICHLAND COUNTY
Edgar W. Dickson, Circuit Court Judge

SC Court of Appeals

Case No. 2010-CP-40-1095

Protection and Advocacy for People with Disabilities, Inc., Appellant,

v.

Beverly A. H. Buscemi, Ph.D., in her official capacity as State Director, South Carolina Department of Disabilities and Special Needs and The South Carolina Department of Disabilities and Special Needs, and Kelly Hanson Floyd, Nancy Banov, W. Robert Harrell, Rick Huntress, Deborah McPherson and Dr. Otis Speight in their Official Capacities as Members of the Department of Disabilities and Special Needs Commission, Respondents.

**MOTION FOR EXTENSION TO
FILE INITIAL BRIEF OF RESPONDENTS**

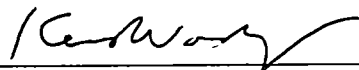
The Respondents respectfully move this Court for a two day extension of time until July 15, 2015, by which to file and serve their Initial Brief and Designation of Matter to be Included in the Record on Appeal.

The Respondents' motion is based on the following grounds:

1. The Initial Brief is currently due to be filed and served on July 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 including counsel having been out of the office on vacation the week of June 22, 2015, as well as briefs recently filed in the Fourth Circuit Court of Appeals on July 3, 2105 in No. 14-1428(L), *Doe v. Kidd*, on July 10, 2015, in No. 14-1651(L), *Cahaly v. LaRosa*.
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 July 15, 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: 
WILLIAM H. DAVIDSON, II
KENNETH P. WOODINGTON
1611 Devonshire Drive - Second Floor
Post Office Box 8568
Columbia, South Carolina 29202
(803) 806-8222

Counsel for Respondents

Columbia, South Carolina

July 13, 2015

Kenneth P. Woodington

From: Reid Sherard <Reid.Sherard@nelsonmullins.com>
Sent: Monday, July 13, 2015 2:03 PM
To: Kenneth P. Woodington; William H. Davidson II
Cc: Anna Maria Darwin; Thornwell Simons; Phillips McWilliams; Reid Sherard
Subject: RE: P&A--possibel short extension

10-4. You have my consent to an extension of up to 30 days if you would like it, and to let the COA know of same in any filing.

And thank you in advance for the offer, we may need to take you up on that.

From: Kenneth P. Woodington [<mailto:kwoodington@dml-law.com>]
Sent: Monday, July 13, 2015 2:01 PM
To: Reid Sherard; William H. Davidson II
Cc: Anna Maria Darwin; Thornwell Simons; Phillips McWilliams
Subject: RE: P&A--possibel short extension

Thanks—as I say, I'd just as soon get it out today, but time will tell. I'll probably go ahead and file the motion anyway, just in case, and rather than risk more white knuckles, I'll go for a whole two days if OK with you. Any more than that, and I'll cause my pipeline in other cases to back up.

I'm happy to agree to whatever you might need for the reply brief or the Record on Appeal, should the need arise.

From: Reid Sherard [<mailto:Reid.Sherard@nelsonmullins.com>]
Sent: Monday, July 13, 2015 1:48 PM
To: Kenneth P. Woodington; William H. Davidson II
Cc: Anna Maria Darwin; Thornwell Simons; Phillips McWilliams
Subject: RE: P&A--possibel short extension

Certainly. If you need more time let us know.

From: Kenneth P. Woodington [<mailto:kwoodington@dml-law.com>]
Sent: Monday, July 13, 2015 1:47 PM
To: Reid Sherard; William H. Davidson II
Cc: Anna Maria Darwin; Thornwell Simons; Phillips McWilliams
Subject: RE: P&A--possibel short extension

Dear counsel:

I'm asking whether you could consent to a 1-day extension to file the Respondent's Brief in the above case, i.e., until tomorrow instead of the current due date (today). I really hope I don't have to do it, but will know in the next hour or so. I've been slammed and was not able to start on this one until Saturday.

Thanks,

Ken

Kenneth P. Woodington
Davidson & Lindemann, P.A.
1611 Devonshire Drive, 2nd Floor
Post Office Box 8568
Columbia, South Carolina 29202-8568
kwoodington@dml-law.com
T: 803-806-8222
F: 803-806-8855

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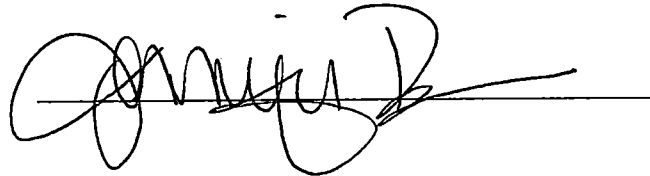
CERTIFICATE OF SERVICE

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 of Respondents** 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 13th day of July 2015:

Reid T. Sherard, Esquire
Phillips L. McWilliams, Esquire
Nelson Mullins Riley & Scarborough, LLP
Post Office Box 10084
Greenville, South Carolina 29601

Anna Maria Darwin, Esquire
Protection and Advocacy for
People With Disabilities, Inc.
545 North Pleasantburg Drive - Suite 106
Greenville, South Carolina 29609

Thornwell W. Simons, Esquire
Protection and Advocacy for
People With Disabilities, Inc.
3710 Landmark Drive - Suite 208
Columbia, South Carolina 29204

A handwritten signature in black ink, appearing to read 'Thornwell W. Simons', is written over a horizontal line. The signature is stylized and cursive.

DAVIDSON & LINDEMANN, P.A.

ATTORNEYS AND COUNSELLORS AT LAW

William H. Davidson, II
Andrew F. Lindemann*
James M. Davis, Jr.†
Robert D. Garfield
Michael B. Wren

1611 Devonshire Drive, Second Floor
Post Office Box 8568
Columbia, South Carolina 29202-8568
Telephone: (803) 806-8222
Facsimile: (803) 806-8855
www.dml-law.com

Daniel C. Plyler
Joel S. Hughes
Justin T. Bagwell
David A. DeMasters
Steven R. Spreuwers
Todd R. Flippin

*Also Admitted In North Carolina
†Certified Mediator

July 13, 2015

Of Counsel
Kenneth P. Woodington

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

Hand Delivered

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201

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JUL 13 2015

SC Court of Appeals

RE: Protection and Advocacy for People with Disabilities, Inc. v. Beverly A. H. Buscemi, Ph.D., In her official capacity as State Director, South Carolina Department of Disabilities and Special Needs, and The South Carolina Department of Disabilities and Special Needs, and Kelly Hanson Floyd, Nancy Banov, W. Robert Harrell, Rick Huntress, Deborah McPherson and Dr. Otis Speight in their Official Capacities as Members of the Department of Disabilities and Special Needs Commission
Appellate Tracking Number: 2015-000109
Civil Action Number: 2010-CP-40-1095
Our File Number: 79.8338

Dear Ms. Kitchings:

Please find enclosed for filing the original and seven copies of the **Motion for Extension to File Initial Brief of Respondents** in the above referenced matter. Please file the original and return a clocked-in copy to me in the enclosed envelope. I have not enclosed the filing since the Respondents are agencies of the State of South Carolina and their employees, and therefore, are exempt.

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

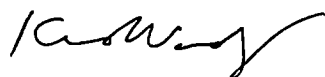
Thank you for your assistance in this matter.

The Honorable Jenny Abbott Kitchings
July 13, 2015
Page Two

With highest regards, I am

Sincerely yours,

DAVIDSON & LINDEMANN, P.A.



Kenneth P. Woodington

KPW/jmb
Enclosures

cc: (w/ Enclosure)

Reid T. Sherard, Esquire
Phillips L. McWilliams, Esquire
Nelson Mullins Riley & Scarborough, LLP
Post Office Box 10084
Greenville, South Carolina 29601

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People With Disabilities, Inc.
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