

77436

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY  
Court of Common Pleas

D. Garrison Hill, Circuit Court Judge

Appellate Case No. 2013-23-01762

**RECEIVED**

SEP 30 2015

SC Court of Appeals

Carol Simpson, ..... Appellant,

v.

Frank A. Landgraff, Respondent.

**MOTION FOR EXTENSION OF TIME TO FILE RESPONDENT  
FRANK A. LANDGRAFF'S REPLY TO APPELLANT CAROL SIMPSON'S RETURN  
TO LANDGRAFF'S MOTION TO DISMISS**

Respondent Frank A. Landgraff ("Landgraff") hereby moves for an extension of time in which to serve and file his Reply to Appellant Carol Simpson's ("Simpson") Return to Landgraff's Motion to Dismiss. Currently, Respondent's Reply is due on September 30, 2015. With an additional five days, and in considering the intermediate Saturday and Sunday, Respondent's Reply will be due on October 7, 2015.

On July 16, 2015, Landgraff served his Motion to Dismiss on Simpson seeking to end this appeal. The Court received this motion, along with the proof of service confirming the July 16, 2015 service date on Simpson and the necessary fee, on July 20, 2015.

Any return by Simpson to the dismissal should have been filed and served by July 27, 2015. As August 5, 2015, Landgraff had not been served with any response of any kind to the motion, and the Court's online portal did not reflect the filing of any response of any kind to the motion. As a result, Landgraff sent a letter to the Court on August 5, 2015 explaining the failure to respond and asking for the matter to be dismissed.

On August 11, 2015, Simpson filed a Motion Requesting An Extension of Time To Answer Defendant's Motion to Dismiss, which sought to allow Simpson until August 17, 2015 to "answer Defendant's Motion to Dismiss" (Motion p. 1).

Landgraff served a Return opposing Simpson's motion seeking permission to file out of time, and Simpson did not serve a reply to Landgraff's Return.

Despite having not received any permission from the Court to file late, Simpson served a Return to Landgraff's Motion to Dismiss on August 19, 2015.

By Order filed September 23, 2015, the Court granted Simpson's request to be allowed to file a return to Landgraff's Motion to Dismiss, and required Landgraff to serve and file the Reply to Return to Motion within five days. The Court emailed a copy of the Order to Landgraff's counsel on September 24, 2015, which was the first notice of the Order received by Landgraff's counsel.

This Motion is based upon Respondent's counsel having insufficient time since September 24, 2015 to prepare the Reply.

Since the Order allowing the Return to be filed out of time, this is Landgraff's first request to extend the deadline for the Reply.<sup>1</sup>

---

<sup>1</sup> Landgraff requested an extension on August 26, 2015, but that request was pending the Court's decision to even allow the out of time Return to Motion in the first instance; there was no need for Landgraff to file a Reply if the Return would be disallowed.

It is further requested that the time for filing and serving the Reply to Return to Motion to Dismiss be stayed and held in abeyance pending this Court's decision on this Motion.

NELSON MULLINS RILEY & SCARBOROUGH LLP

By:

*Reid T. Sherard* by *A. MATTHEW BOGAN*

Lane W. Davis, SC Bar No. 68796

E-Mail: lane.davis@nelsonmullins.com

Timothy E. Madden, SC Bar No. 11786

E-Mail: tim.madden@nelsonmullins.com

Reid T. Sherard, SC Bar No. 72536

E-Mail: reid.sherard@nelsonmullins.com

104 South Main Street / Ninth Floor

Post Office Box 10084 (29603-0084)

Greenville, SC 29601

(864) 250-2300

*w/ express  
permission*

Attorney for Frank A. Landgraff

Greenville, South Carolina

9/30, 2015

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY  
Court of Common Pleas

D. Garrison Hill, Circuit Court Judge

Appellate Case No. 2013-23-01762

**RECEIVED**

SEP 30 2015

SC Court of Appeals

Carol Simpson, ..... Appellant,

v.

Frank A. Landgraff, Respondent.


PROOF OF SERVICE

I, the undersigned administrative assistant of the law offices of Nelson Mullins Riley & Scarborough LLP, attorneys for Respondent, do hereby certify that I have served all counsel in this action with a copy of the pleading(s) hereinbelow specified by mailing a copy of the same by United States Mail, postage prepaid, to the following address(es):

Pleadings: MOTION FOR EXTENSION OF TIME TO FILE RESPONDENT FRANK A. LANDGRAFF'S REPLY TO APPELLANT CAROL SIMPSON'S RETURN TO LANDGRAFF'S MOTION TO DISMISS

Counsel Served:

William G. Mayer  
118 West Main Street  
Laurens, SC 29360

  
\_\_\_\_\_  
Lisa P. Whitehurst

September 30, 2015

# Nelson Mullins

Nelson Mullins Riley & Scarborough LLP  
Attorneys and Counselors at Law  
104 South Main Street / Ninth Floor / Greenville, SC 29601  
Tel: 864.250.2300 Fax: 864.250.2328  
www.nelsonmullins.com

Reid T. Sherard  
Tel: 864.250.2219  
Fax: 864.250.2328  
reid.sherard@nelsonmullins.com

September 30, 2015

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

**RECEIVED**

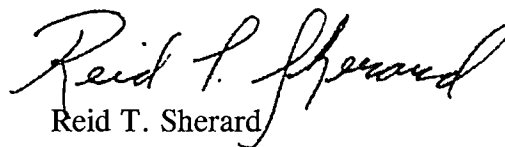
SEP 30 2015  
SC Court of Appeals

RE: Carol Simpson v. Frank A. Landgraff, Carol Sutton, Sutton & Associates  
Investigations, Inc., Defendants,  
Of Whom Frank A. Landgraff is the Respondent.  
Case No. 2013-CP-23-01762  
Appellate Case No. 2015-000778  
NMRS File No. 35353.01502

Dear Ms. Kitchings:

In connection with the above captioned matter, enclosed for filing are the original and seven copies of a Motion for Extension of Time to File Respondent Frank A. Landgraff's Reply to Appellant Carol Simpson's Return to Landgraff's Motion to Dismiss. We would ask that you file the original and return a clocked-in copy to us via our courier. Also enclosed is our check in the amount of \$25.00 as the required filing fee.

Very truly yours,

  
Reid T. Sherard

RTS:kmj  
Enclosures  
Cc: Frank Landgraff  
William Mayer