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THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM BAMBERG COUNTY  
Court of Common Pleas

Clifton Newman, Circuit Court Judge

**RECEIVED**  
OCT 20 2015  
SC Court of Appeals

Case No. 2014-CP-05-17 and 19  
**Appellate Case No. 2015-001183**

Camille Hodge, Jr., as Personal Representative of the Estate  
of Mable Hodge, Deceased ..... Respondent,

v.

UniHealth Post-Acute Care of Bamberg, LLC f/k/a Bamberg County  
Nursing Center; United Health Services of South Carolina, Inc.;  
United Health Services, Inc.; UHS-Pruitt Holdings, Inc. a/k/a  
UHS-Pruitt Corp.; R. Dale Padgett, MD, PA; and Dr. Herbert A. Moskow,

of Whom UniHealth Post-Acute Care of Bamberg, LLC f/k/a Bamberg County  
Nursing Center; United Health Services of South Carolina, Inc.;  
United Health Services, Inc.; and UHS-Pruitt Holdings, Inc. a/k/a  
UHS-Pruitt Corp. are ..... Appellants.

Camille Hodge, Sr., ..... Respondent,

v.

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**MOTION TO ALLOW LATE FILING OF INITIAL REPLY BRIEF OF APPELLANTS**

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Pursuant to Rule 240 of the South Carolina Appellate Court Rules, the Appellants respectfully submit this Motion to Allow Late Filing of their Initial Reply Brief. Rule 240 allows the Court of Appeals to consider motions including motions to extend time. In the instant case, the appellants' initial reply brief was not timely filed with the Court of Appeals. Appellants therefore request that the Court of Appeals extend the time for filing their Initial Reply Brief.

### **Procedural History**

Appellants timely filed their Initial Brief in this case on July 24, 2015. On August 24, 2015, Respondents filed their Initial Brief. Upon receipt of the Respondents' Initial Brief, the filing date for the Initial Reply Brief of Appellants was inadvertently docketed for the same day as the due date for the Record on Appeal. On September 23, 2015, Appellants filed their Initial Reply Brief and realized for the first time the error regarding the filing of their Initial Reply Brief. That same day, Appellants timely filed their Proof of Service of the Record on Appeal. Appellants notified counsel for Respondents of their error on September 23, 2015 and Respondents graciously agreed not to raise an objection to the untimely filing of the Initial Reply Brief of Appellants. Appellants subsequently notified the Court of Appeals of the error via letter on September 24, 2015. Appellants have subsequently timely filed their Final Briefs and the Record on Appeal.

### **Argument**

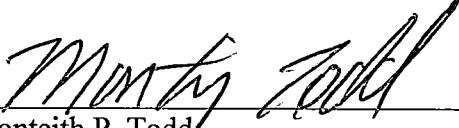
Under Rule 263 of the South Carolina Appellate Court Rules, “[t]he time prescribed . . . for performing any act except the time for serving the notice of appeal . . . may be extended or shortened by the appellate court, or by an judge or justice thereof.” Pursuant to this Rule and Rule 240, Appellants Request that the Court of Appeals extend the time for filing their Initial Reply Brief and consider the brief despite the innocent error resulting in its late filing. Although the brief was filed late, there is no prejudice to the Respondents, and Appellants have met all other filing

deadlines. In fact, as previously indicated, counsel for Respondents has graciously agreed not to raise an objection to Appellants late filing of their Initial Reply Brief. Although Rule 263 does not allow an extension of time by the agreement of parties, Respondents' agreement not to raise an objection to Appellants' late filing demonstrates that there is no prejudice resulting from this filing. Additionally, because the Brief was a Reply Brief, there is no additional reply to be filed by Respondents. Thus, as all other submissions have been timely filed by Appellants, extending the time to file their Initial Reply Brief and considering this Brief will not result in any undue delay of this Appeal.

**Conclusion**

Because the late filing of Appellants' Initial Reply Brief will cause no prejudice to the Respondents nor delay to the Court of Appeals, the Appellants respectfully request that the Court grant their Motion to Allow Late Filing of Initial Reply Brief of Appellants and consider this Brief.

October 20, 2015

  
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**PROOF OF SERVICE**  
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I, the undersigned Legal Assistant, of the law offices of Sowell Gray Stepp & Laffitte, LLC, attorneys for Appellants, do hereby certify that I have served all counsel in this action with a copy of the Motion to Allow Late Filing of Initial Reply Brief of Appellants by mailing a copy of same to counsel via United States Mail, postage prepaid, at the following address(es):

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October 20, 2015



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