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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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DEC 18 2015

SC Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
J. Mark Hayes, II, Circuit Court Judge

Case No. 2013-CP-42-2404

Lisa McKaughan, Individually and as the
Personal Representative of the Estate of William Farr, Appellant,

v.

Upstate Lung and Critical Care Specialists, P.C.; and
Sau-Yin Wan, M.D., Respondents.

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

The Respondents respectfully move this Court for an additional extension of time until January 11, 2016, 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 of Respondents is currently due to be filed and served on December 21, 2015.

2. The undersigned counsel for the Respondents requires additional time to complete the preparation of the Initial Brief of Respondents and their Designation of Matter to be Included in the Record on Appeal because other obligations and deadlines that have prevented him from completing this brief by the current deadline. Specifically, the undersigned counsel has two other briefs due in the Court of Appeals, one of which was completed and filed on December 17, 2015, and the other is due by December 22, 2015. In addition, the undersigned counsel is still in the process of trying to obtain a copy of all trial exhibits including those which were designated by the Appellant. This additional time will allow that to be accomplished.

3. Counsel for the Respondents consulted with Appellant's counsel who has kindly consented to the requested extension by reply email (see attached).

WHEREFORE, the Respondents respectfully request that they be allowed until January 11, 2016, 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

1611 Devonshire Drive

Post Office Box 8568

Columbia, South Carolina 29202

(803) 806-8222

Counsel for Respondents

Columbia, South Carolina

December 18, 2015

Andrew Lindemann

From: Jordan Calloway <jordan@mcgowanhood.com>
Sent: Friday, December 18, 2015 12:31 PM
To: Andrew Lindemann
Subject: RE: McKaughan v. Upstate Lung--Upcoming Reply Brief (App. Case No. 2015-001828)

Andrew:

Your plan sounds good. We can consent to an additional 21 days for the Respondent's brief. As for the trial exhibits, I got an email from Ashby Davis' office this morning regarding that issue. I am reaching out to the paralegal on the case to see if we can get those to his office and you. We will need them for the Record on Appeal anyway. I will get back to you on that.

Thanks,

Jordan Calloway
McGowan, Hood & Felder, LLC
1539 Health Care Drive
Rock Hill, SC 29732
(803) 327-7800

From: Andrew Lindemann [<mailto:alindemann@dml-law.com>]
Sent: Friday, December 18, 2015 12:05 PM
To: Jordan Calloway
Subject: RE: McKaughan v. Upstate Lung--Upcoming Reply Brief (App. Case No. 2015-001828)
Importance: High

Jordan:

Sorry for the delay in responding. I had planned to get the Respondent's brief in this case completed by Monday. But unfortunately two other briefs have delayed this for me – plus I am still trying to get my hands on all the trial exhibits. At any rate, I was wondering if you would agree to a 21 day additional extension for me. That will get the brief beyond the holidays – which may also solve your issue. Nonetheless, with your reply brief, I will certainly agree to any extension you need. Please let me know so I can get a motion filed today.

Thanks.

Andrew

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v.


Upstate Lung and Critical Care Specialists, P.C.; and
Sau-Yin Wan, M.D., Respondents.

CERTIFICATE OF SERVICE

The undersigned employee of Davidson & Lindemann, P.A., counsel for 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 18th day of January 2015:

William A. McKinnon, Esquire
Jordan C. Calloway, Esquire
McGowan, Hood & Felder, LLC
1539 Healthcare Drive
Rock Hill, South Carolina 29732

Ashby W. Davis, Esquire
David L. Williford, II, Esquire
Davis, Snyder & Williford, P.A.
5 Hawthorne Park Court
Greenville, South Carolina 29615

A handwritten signature in black ink, appearing to read "David L. Williford, II", is written over a horizontal line. The signature is stylized and cursive.

DAVIDSON & LINDEMANN, P.A.

ATTORNEYS AND COUNSELLORS AT LAW

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SC Court of Appeals

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

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December 18, 2015

Of Counsel
Kenneth P. Woodington

*Also Admitted In North Carolina
†Certified Mediator

Writer's Email: alindemann@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

RE: Lisa McKaughan, Individually and as the Personal Representative of the Estate of William Farr v. Upstate Lung and Critical Care Specialists, P.C.; and Sau-Yin Wan, M.D.
Appellate Case Number: 2015-001828
Civil Action Number: 2013-CP-42-2404
Our File Number: 359.9771

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 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

The Honorable Jenny Abbott Kitchings
December 18, 2015
Page Two

cc: (w/ Enclosure)

William A. McKinnon, Esquire
Jordan C. Calloway, Esquire
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