

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM SPARTANBURG COUNTY  
Brian M. Gibbons, Circuit Court Judge

Case No. 2013-CP-42-1569

**RECEIVED**

DEC 22 2015

SC Court of Appeals

BLH by parents/general guardians Kenneth and  
Angela Hensley, and on behalf of all others similarly  
situated, ..... Respondent,

v.

South Carolina Department of Social Services, ..... Appellant.

**MOTION TO FILE OUT OF TIME**

The Appellant South Carolina Department of Social Services respectfully  
moves this Court to accept the filing of the Appellant's Initial Brief and  
Designation of Matter to be Included in the Record on Appeal one day out of time.

The Appellant's motion is based on the following grounds:

1. The Appellant's Initial Brief and Designation of Matter to be Included  
in the Record on Appeal were due on Wednesday, December 16, 2015. The


Appellant served the Initial Brief and Designation of Matter to be Included in the Record on Appeal on December 17, 2015.

2. The undersigned counsel for the Appellant was unable to complete the preparation and drafting of the Initial Brief and Designation of Matter to be Included in the Record on Appeal by December 16, 2015 because of a family issue that arose. Specifically, counsel had to put his 14-year-old lab down on December 16, 2015, which was very emotional.

3. Ryan Langley and James Thompson, both counsel for the Respondent, have kindly consented to this extension per the attached email.

WHEREFORE, the Appellant respectfully requests that the Court accept the filing of the Initial Brief and Designation of Matter to be Included in the Record on Appeal one day out of time.

DAVIDSON & LINDEMANN, P.A.

BY:   
\_\_\_\_\_  
ANDREW F. LINDEMANN  
1611 Devonshire Drive  
Post Office Box 8568  
Columbia, South Carolina 29202  
(803) 806-8222

*Counsel for Appellant South Carolina  
Department of Social Services*

Columbia, South Carolina

December 17, 2015

## Andrew Lindemann

---

**From:** Jim Thompson <jamesfletcherthompson@gmail.com>  
**Sent:** Wednesday, December 16, 2015 5:29 PM  
**To:** Andrew Lindemann  
**Cc:** Ryan Langley  
**Subject:** Re: Hensley Appeal

Of course. Jim

James Fletcher Thompson  
James Fletcher Thompson LLC  
PO Box 1853  
Spartanburg, SC 29304  
864-573-5533  
[www.jamesfletcherthompson.com](http://www.jamesfletcherthompson.com)

On Dec 16, 2015, at 4:33 PM, Andrew Lindemann <[alindemann@dml-law.com](mailto:alindemann@dml-law.com)> wrote:

Thanks. I appreciate it.

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**From:** Ryan Langley [<mailto:RLangley@hodgelawfirm.com>]  
**Sent:** Wednesday, December 16, 2015 4:32 PM  
**To:** Andrew Lindemann; Jim Thompson  
**Subject:** RE: Hensley Appeal

Yes, of course. I'm sorry for your loss.

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**From:** Andrew Lindemann [<mailto:alindemann@dml-law.com>]  
**Sent:** Wednesday, December 16, 2015 4:31 PM  
**To:** Ryan Langley; Jim Thompson  
**Subject:** Hensley Appeal  
**Importance:** High

Ryan and Jim:

I just got home from unfortunately having to put my 14 year old lab down this afternoon. So it's been a pretty ~~long~~ day and honestly I don't feel like getting this brief finished and in the mail tonight. If I file it tomorrow will you consent to a motion to accept the brief one day late?

You obviously can have whatever extension you need for the response brief.

Thanks for the courtesy.

Andrew

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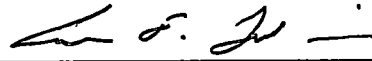
**CERTIFICATE OF SERVICE**

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The undersigned employee of Davidson & Lindemann, P.A., counsel for the Appellant, does hereby certify that service of the **Motion to File Out of Time, Initial Brief of Appellant and Appellant's Designation of Matter to be Included in the Record on Appeal** 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 17th day of December 2015:

T. Ryan Langley, Esquire  
Hodge & Langley Law Firm, P.C.  
Post Office Box 2765  
Spartanburg, South Carolina 29304-2765

James F. Thompson, Esquire  
Law Offices of James Fletcher Thompson, LLC  
Post Office Box 1853  
Spartanburg, South Carolina 29304



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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  
David A. DeMasters  
Steven R. Spreeuwens  
Todd R. Flippin

\*Also Admitted In North Carolina  
†Certified Mediator

December 17, 2015

Of Counsel  
Kenneth P. Woodington

Writer's Email: [alindemann@dml-law.com](mailto:alindemann@dml-law.com)

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

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SC Court of Appeals

RE: BLH (dob 2/20/97) by parents/general guardians Kenneth and Angela Hensley, AND on behalf of all others similarly situated v. South Carolina Department of Social Services  
Appellate Case No. 2014-002254  
Civil Action Number: 2013-CP-42-1569  
Our File Number: 103.8851

Dear Ms. Kitchings:

Please find enclosed for filing the original and seven copies of the **Motion to File Out of Time** in the above referenced matter. Also enclosed for filing are the originals and one copy each of the **Initial Brief of Appellant** and **Appellant's Designation of Matter to be Included in the Record on Appeal** in the above referenced matter. Please file the originals and return a clocked-in copy of each document to me in the enclosed envelope. I have not enclosed a filing fee since the Appellant is a state agency.

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 17, 2015  
Page Two

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cc: (w/ Enclosures)

T. Ryan Langley, Esquire  
Hodge & Langley Law Firm, P.C.  
Post Office Box 2765  
Spartanburg, South Carolina 29304-2765

James F. Thompson, Esquire  
Law Offices of James Fletcher Thompson, LLC  
Post Office Box 1853  
Spartanburg, South Carolina 29304



**DAVIDSON & LINDEMANN, P.A.**

*Attorneys and Counsellors at Law*

Post Office Box 8568  
Columbia, South Carolina 29202-8568

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