

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM FAIRFIELD COUNTY

Benjamin H. Culbertson, Circuit Court Judge

Appellate Case No. 2015-001178

RECEIVED
DEC 30 2015
SC Court of Appeals

Corey RossAppellant,

v.

Carolina Adventure World, LLCRespondent.

**RESPONSE TO APPELLANT’S MOTION FOR THIRD
EXTENSION OF TIME TO FILE INITIAL BRIEF**

TO: THE HONORABLE JUDGES OF THE SOUTH CAROLINA COURT OF
APPEALS:

Respondent Carolina Adventure World, LLC is in receipt of Appellant Corey Ross’ motion for third extension of time to file and serve his initial brief and designation of matter. Respondent notes the following in response to this motion:

- The instant personal injury case was tried in the Court of Common Pleas in Fairfield County in May 2015. The presiding circuit judge granted Respondent’s motion for directed verdict after approximately 1 ½ - 2 days of testimony. Respondent maintains the case at bar involves little testimony (when compared to

a great deal of the litigation appealed to this tribunal) and is essentially a one issue case: “Did the Circuit Court properly grant directed verdict to Defendant?”

- The grant of directed verdict occurred on May 28, 2015.
- According to Respondent’s records, Appellant served and filed his notice of appeal with the Court of Appeals on June 2, 2015.
- Upon information and belief, Appellant ordered a copy of the trial transcript on June 1, 2015.
- Respondent ordered a copy of the transcript on June 15, 2015.
- Respondent received its copy of the transcript on August 4, 2015. Respondent does not know when Appellant received his copy of the transcript – there is no letter to the Clerk of the Court of Appeals in Respondent’s counsel’s file from Appellant advising the clerk of receipt of the transcript. Nevertheless, for purposes of this response, Respondent assumes Appellant received his copy of the transcript on or before August 4, 2015.
- Applying the August 4, 2015, date as the commencement of the 30-day deadline under Rule 208, SCACR, Respondent avers Appellant’s initial brief and designation of matter would have been due on September 4, 2015.
- Appellant has since sought and received a first and then a second extension to file and serve his initial brief and designation of matter. Respondent’s counsel knows how busy Appellant’s counsel’s practice is and did not object to the grants of those extensions.

- By Appellant's calculation, with the grant of a first and second extension, Appellant's initial brief and designation of matter, should have been filed and served by November 4, 2015.
- Appellant and Respondent apparently possess a difference of understanding regarding the deadlines to file and serve Appellant's initial brief and designation of matter. Nevertheless, it has been 7 months since the grant of directed verdict in what can be characterized as a straight forward directed verdict appeal. Respondent seeks resolution of this matter because open litigation is costly to it and is prejudiced by the delay.

Respectfully submitted,
COLLINS & LACY, P.C.



By:

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ATTORNEYS FOR RESPONDENT

Columbia, South Carolina
December 28, 2015

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM FAIRFIELD COUNTY

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Corey Ross..... Appellant,

v.

Carolina Adventure World, LLC..... Respondent.

PROOF OF SERVICE

Counsel for Respondent certifies that he has served Respondent's Response to Appellant's Third Motion for Extension of Time to File Initial Brief on all parties by depositing a copy of it in the United States Mail, postage prepaid, on December 28, 2015, addressed to the following attorneys of record:

S. Jahue Moore, Esquire
Moore Taylor Law Firm, P.A.
1700 Sunset Blvd
West Columbia, SC 29169

Respectfully submitted,
COLLINS & LACY, P.C.



By:

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ATTORNEYS FOR RESPONDENT

Columbia, SC
December 28, 2015



Christian Stegmaier | D: 803.255.0454 | E: cstegmaier@collinsandlacy.com

December 29, 2015

VIA UNITED STATES MAIL

The Honorable Jenny A. Kitchings
South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201

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SC Court of Appeals

Re: *Corey Ross vs. Carolina Adventure World*
Civil Action No. 2015-001178
C&L File No. 001880-00101

Dear Ms. Kitchings:

Please find enclosed for filing the original and seven (7) copies of Respondent's Response to Appellant's Third Motion for Extension of Time to File Initial Brief in the above-referenced matter. Please return a file stamped copy in the self-addressed stamped envelope provided herein.

By copy of this letter, I am serving a copy of same upon counsel for Appellant.

Thank you for your time and attention. Should you have any questions, please do not hesitate to contact me.

Respectfully,

Christian Stegmaier

CS:srm
Enclosures

cc: S. Jahue Moore, Esquire

Hasler

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The Honorable Jenny A. Kitchings
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