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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM HAMPTON COUNTY
Circuit Court
The Honorable Perry M. Buckner

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Case Nos. 2015-001947 and 2015-001948

SC Court of Appeals

Alice Hazel, as GAL for Jacob N.,..... Respondent,

v.

Blitz U.S.A., Inc., Fred's, Inc., Tiger Express Varnville LLC,
and James Nix, Defendants,

Of Whom Fred's, Inc. is theAppellant.

Melinda Cook,.....Respondent,

v.

Blitz U.S.A., Inc., Fred's, Inc., Tiger Express Varnville, LLC,
and James Nix, Defendants,

Of Whom Fred's, Inc. is theAppellant.

RESPONDENTS' MOTION TO CONSOLIDATE AND MOTION FOR AN EXTENSION

Respondents Alice Hazel, as GAL for Jacob N., and Melinda Cook petition this Court for an order consolidating the above-referenced cases pursuant to Rules 214 and 240, SCACR, and move for an thirty-day extension in which to file the Initial Brief of Respondents and Designation of Matter to be included in the Record on Appeal.

The cases arise out of the same injury-causing event, one is brought on behalf of the injured minor and one is brought by his mother. Consolidation is appropriate because the issues in the appeals are identical, as evidenced by the fact that the orders appealed from in the cases contain the same findings and Appellant's Initial Briefs in the cases raise the same issues and contain identical arguments. Therefore, "the same question is involved in two or more appeals in different cases" and the cases are appropriate for consolidation. Rule 214, SCACR. The undersigned contacted opposing counsel prior to filing this Motion, and he consents to the Motion to Consolidate. (*See* attached email). Respondents request this Court exercise its discretion to consolidate the appeals. In the alternative, Respondents request the same panel of judges hear both appeals to avoid the possibility of inconsistent rulings.

The Initial Brief of Respondent in each case is currently due on February 3, 2016. This is Respondents' first request for an extension. The extension is needed because Kathleen C. Barnes, esquire, was recently retained as co-counsel for Respondents¹ and needs time to review the file and prepare an Initial Brief. Respondents respectfully request an extension of thirty days. The undersigned contacted opposing counsel, and he consents to the Motion for an Extension. (*See* attached email).

[Signature block appears on the following page.]

¹ Kathleen C. Barnes is filing Notices of Appearance simultaneously with this Motion.

January 28, 2016

Respectfully submitted,



Kathleen Chewing Barnes, SC Bar No. 78854

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Attorneys for Respondent

Kathleen Barnes

From: Matt Lafave <matt@crowelafave.com>
Sent: Thursday, January 28, 2016 1:34 PM
To: Kathleen Barnes
Cc: mball@PMPED.com
Subject: Re: Hazel and Cook v. Fred's - Appeal

Kathleen,

Please allow this email to serve as confirmation of our earlier telephone conversation wherein I had consented to the requests for a 30-day extension of time for the filing of the Respondent's Brief as well as the consolidation of this case. [REDACTED]

Best,
Matt

Matthew C. LaFave, Esq.

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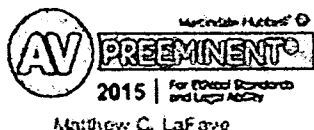
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CERTIFIED CIRCUIT COURT MEDIATOR



CLM

From: Kathleen Barnes <kbarnes@barneslawfirmssc.com>
Date: Wednesday, January 27, 2016 at 1:28 PM
To: Matt LaFave <matt@crowelafave.com>
Subject: Hazel and Cook v. Fred's - Appeal