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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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FEB 11 2016
SC Court of Appeals

Case No. 2015-001948

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 the.....Appellant.

RESPONDENT'S MOTION TO CONSOLIDATE AND MOTION FOR AN EXTENSION

Respondent Melinda Cook petitions this Court for an order consolidating the above-referenced case with Appellate Case No. 2015-0001947, pursuant to Rules 214 and 240, SCACR, and moves for a thirty-day extension in which to file the Initial Brief of Respondent 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). Respondent requests this Court exercise its discretion to consolidate the appeals. In the alternative, Respondent request the same panel of judges hear both appeals to avoid the possibility of inconsistent rulings.

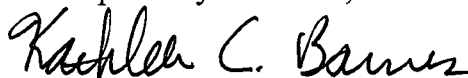
The Initial Brief of Respondent is currently due on February 3, 2016.¹ This is Respondent's first request for an extension. The extension is needed because Kathleen C. Barnes, esquire, was recently retained as co-counsel for Respondent and needs time to review the file and prepare an Initial Brief. Respondent respectfully requests 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 On January 28, 2016, Respondent submitted a motion to consolidate and for an extension with both case captions and was told to submit another motion with a separate case caption.

February 8, 2016

Respectfully submitted,



Kathleen Chewning 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:

Best,
Matt

Matthew C. LaFave, Esq.

CROWE LAFAVE, LLC

Mailing address: P.O. Box 1149, Columbia, SC 29202

Physical address: 500 Taylor Street, Suite 401, Columbia, SC 29201

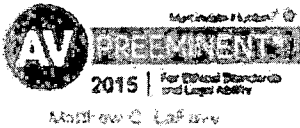
Phone: 803.724.5727

Cell: 803.553.8049

matt@crowelafave.com

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CERTIFIED CIRCUIT COURT MEDIATOR



QIAN

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

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Of Whom Fred's, Inc. is the.....Appellant.

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing *Respondent's Motion to Consolidate and Motion for an Extension* has been served upon the following counsel of record by mailing one copy by United States Mail, addressed as shown below this 8 day of February, 2016.

Matthew C. LaFave
CROWE LAFAVE, LLC
Post Office Box 1149
Columbia, SC 29202

February 8, 2016

Kathleen C. Barnes
Kathleen Chewning Barnes, SC Bar No. 78854
Barnes Law Firm, LLC
P.O. Box 897
803-943-4529
Hampton, SC 29924
kbarnes@barneslawfirm.com

BARNES

LAW FIRM | LLC

Kathleen C. Barnes

Admitted: Georgia | South Carolina

February 8, 2016

Via U.S. Mail

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

Re: *Melinda Cook v. Blitz U.S.A., Inc., et al.*
Appellate Case No. 2015-0001948

Dear Ms. Kitchings:

Enclosed for filing please find the original and seven copies of Respondent's Motion to Consolidate and Motion for an Extension in the above-referenced case. The previously-filed motion included a consolidated case caption for the above-referenced case and Appellate Case No. 2015-0001947. This motion is filed so that the Court has one motion for each case. Also enclosed is proof of service of the Motion, and a check in the amount of \$25.00 for the Motion filing fee.

Please file the documents and return one file-stamped copy to me in the enclosed self-addressed, stamped envelope. By copy of this letter, I am serving all counsel of record with a copy of the same.

If you have any questions, please do not hesitate to contact me. Thank you.

With kind regards, I am,

BARNES LAW FIRM, LLC



Kathleen C. Barnes

Enclosures

cc: Matthew C. LaFave
Mark D. Ball (via e-mail)

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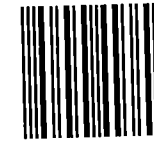
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SC Court of Appeals

Barnes Law Firm, LLC
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