

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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MAR 14 2016

APPEAL FROM CHARLESTON COUNTY SC Court of Appeals  
Court of Common Pleas

Maité Murphy, Circuit Court Judge

Appellate Case No.: 2015-001748

Wells Fargo Bank N.A., as  
trustee for the Certificate  
holders of Banc of  
America Mortgage  
Securities, Inc., Mortgage  
Pass-Through  
Certificates, Series 2005-  
E,

v.

Daniel O. Myers, Bethany  
A. Theis and Bank of  
America N.A.,  
Defendants, Daniel O.  
Myers and Bethany A.

Respondents

v.

Aubie Melot, John Melot  
and Carolina One, LLC,  
Third-Party Defendant of  
whom John Melot is the  
Appellant.

Appellant

APPELLANT'S REPLY TO RESPONDENTS' RETURN

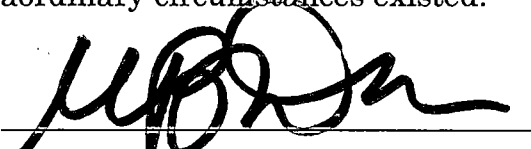
This matter is before this Court on Counsel for Appellant's Motion to Extend Time to file Brief of Appellant based on the existence of extraordinary circumstances. On March 10, 2016, this office received Respondent's Return stating that it was the opinion of Respondents that no extraordinary circumstance exists and that relief should be denied.

In response to Respondents' assertion, I have attached a narrative from my physician outlining the circumstances I have been experiencing. More importantly, as of today, my pain has subsided to permit me to work again since my epidural injections (as I also stated in the Motion), and I am confident the Brief for Appellant will be filed and served prior to the next date imposed by this Court (absent extraordinary circumstances).

If my health takes a turn for the worst again, I will advise my client to seek new counsel and notify this Court. However, don't punish my client at this time because my health deteriorated.

There, I ask this Court for an Order extending the time to serve and file the Brief of Appellant because extraordinary circumstances existed.

March 10, 2016



M. Brooks Derrick  
Law Office of M. Brooks Derrick  
PO Box 967  
224 NE Main Street  
Simpsonville, SC 29681  
(864) 881-2281

*Attorney and Counselor for  
Appellant*

Other Counsel of Record:  
Mary Leigh Arnold  
749 Johnnie Dodds Blvd., Suite B  
Mt. Pleasant, South Carolina 29464  
*Attorney for Respondents*



GREENVILLE  
HEALTH SYSTEM

Michael Brooks Derrick  
213 Heritage Pointe Drive  
Simpsonville SC 29681

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SC Court of Appeals

Date of Birth: \_\_\_\_\_  
Date of Visit: 2/9/2016

To Whom it May Concern:

Michael Brooks Derrick was seen in my clinic on 2/9/2016. He asked that I send a letter on his behalf explaining his neck injury, treatments and prognosis.

The neck pain started a 1.5 years ago after a fall. However, it began to worsen significantly in October 2015. He has seen orthopedic surgery and continues to follow under their care for the ongoing neck pain. Has had conservative therapy. Physical therapy. Pain medication and anti-inflammatories including steroids. He has injections scheduled with ortho to see if this will provide some relief. The pain is in the mid neck and radiates to shoulders and head. It is more painful with certain movements and helped some by the pain meds. The pain has improved some in the past with PT, but recently less so. With back and neck injuries it is frequently difficult to know a true prognosis because each patient is so different. However, with ongoing treatments, I have no reason to think he would not continue to show improvements over time.

If you have any questions or concerns, please don't hesitate to call.

Sincerely,

Edna Katherine Gantt Gettys, MD  
FM AND IM-SIMPSONVILLE  
727 Se Main Street Suite 300  
Simpsonville SC 29681  
864-522-1170

CC: No Recipients



LAW OFFICE OF M. BROOKS DERRICK  
ATTORNEYS & COUNSELORS AT LAW

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SIMPSONVILLE, SC 29681

(864) 757-0757  
(864) 729-3680 (FAX)

March 10, 2016

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Via U.S. Mail

MAR 14 2016

**SC Court of Appeals**

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

**Re: *Wells Fargo Bank, N.A. v. Daniel O. Myers***  
**Appellate Case No.: 2015-001748**

Dear Ms. Kitchings:

I have enclosed the Appellant's Reply to Respondent's Return in the above-referenced matter.

Should you have any questions or require any additional information, please do not hesitate to contact me at (864) 757-0757 or via email (bderrick@derricklawoffice.com).

With kind regards,

M. Brooks Derrick

Enclosure(s): as stated  
cc: *Mary L. Arnold (U.S. Mail)*  
*David Collins (U.S. Mail)*

M. Brooks Derrick  
224 NE MAIN ST  
SIMPSONVILLE SC 29681-2318

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THE HONORABLE JENNY ABBOTT KITCHINGS  
CLERK, SOUTH CAROLINA COURT OF APPEALS  
PO BOX 11629  
COLUMBIA SC 29211-1629

**SC Court of Appeals**