

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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APPEAL FROM CHARLESTON COUNTY  
COURT OF COMMON PLEAS

MAR 21 2016

SC Court of Appeals

Markley Dennis, Jr., Circuit Court Judge

Case No.: 2015-001930

DARRELL EDWARDS,

Plaintiff/Appellant

v.

E. PAUL GIBSON, REISEN LAW FIRM, E.  
PAUL GIBSON PC and JOHN DOES 1-5,

Respondant.

**AMENDED MOTION FOR EXTENSION OF TIME  
TO FILE RECORD ON APPEAL**

Plaintiff/Appellant shows to the Court that the time to file the Record on Appeal, under Rules 210 of the South Carolina Rules of Appellate Procedure has not expired and moves the Court, pursuant to Rule 263 of the South Carolina Rules of Appellate Procedure, to extend the time therefore 30 days to April 20, 2015 for the following reasons:

1. Plaintiff/Appellant timely filed an Initial Brief of Appellant on January 11, 2016, regarding the dismissal of his case against Defendants for malpractice. Plaintiff claims Defendants failed to timely file suit under the Longshore and Harbor Workers Claims Act ("LHWCA claim"). Defendants/Appellees argued and the lower court agreed that Plaintiff's claims were unsubstantiated and barred under the Act.

2. Defendants/Appellees timely filed an Initial Brief of Appellees on February 9, 2016. In their initial brief, Defendants/Appellees relied on an order by an Administrative Law Judge (“ALJ”) denying benefits to Plaintiffs, in part for failing to timely notify the employer’s insurer of a third party settlement.

3. Plaintiff/Appellant timely filed a Reply Brief on February 19, 2016. The Reply Brief addressed a ruling by the Benefits Review Board of the U.S. Department of Labor, dated September 30, 2015, overturning the decision of the lower ALJ, denying benefits to Plaintiff. See *Edwards v. Signal Mutual Indemnity Association Ltd.*, BBR No. 15-0112.

4. Defendant’s experts relied on the ruling of the ALJ in their Motion for Summary Judgment, and the Court’s Order granting Summary Judgment relied on these Affidavits.

5. On March 10, 2016, the Benefits Review Board entered an Order on Motion for Reconsideration, which modified the September 30, 2015 in some respects but still remanded an issue central to this case to the ALJ.

6. On March 14, 2016, Defendants/Appellees filed a Motion to Strike Plaintiff’s Reply Brief, based on the March 10, 2016 ruling.

7. Given the recent activity in the Benefits Review Board case, which has direct impact on whether Plaintiff had a viable claim under the Act, Counsel for Plaintiff/Appellant requests an additional 30 days to finalize the Record on Appeal.

8. Plaintiff/Appellant asserts there is good cause for the extension given these latest developments and that Defendants/Appellees will not be prejudiced.

This the 21<sup>st</sup> day of March, 2016.

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was sent via U.S. Mail

on this 21<sup>st</sup> day of March 2015, postage prepaid to

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E. Paul Gibson, Reisen Law Firm, E. Paul Gibson PC

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This the 21<sup>st</sup> day of March, 2015.

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