

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

RECEIVED

MAR 17 2016

SC Court of Appeals

APPEAL FROM THE SOUTH CAROLINA ADMINISTRATIVE LAW COURT

Deborah Brooks Durden, Administrative Law Judge

Appellate Case No. 2016-000285
Administrative Law Court Docket No. 12-ALJ-04-00143-AP

Thomas J. Torrence, #094651 Respondent,

v.

South Carolina Department of Corrections Appellant.

**APPELLANT’S MOTION FOR A 45-DAY EXTENSION OF THE
DEADLINE BY WHICH IT MAY FILE ITS INITIAL BRIEF
AND DESIGNATION OF MATTER**

For the reasons stated below, the Appellant, the South Carolina Department of Corrections [“SCDC”], by and through its undersigned counsel, respectfully moves the Court for a 45-day extension of the deadline by which it may file its initial brief and designation of matter to be included in the record on appeal in the instant case.

SCDC’s undersigned counsel filed a Notice of Appeal on SCDC’s behalf with the Court on February 17, 2016. By letter dated February 18, 2016, the Clerk of Court acknowledged receipt of the instant appeal. Accordingly, SCDC’s initial brief and designation of matter is due no later than Friday, March 18, 2016.

However, SCDC’s undersigned counsel now respectfully moves, in light of recent and on-going activity in other cases in which he is involved, for an extension of the deadline by

which SCDC must file its initial brief and designation of matter to be included in the record on appeal in the instant case from Friday, March 18, 2016 to Monday, May 2, 2016.

On February 10, 2016, one week before SCDC's undersigned counsel filed SCDC's Notice of Appeal in the instant case, this Court issued its decision in *Ackerman v. S.C. Dep't of Corr.*, -- S.E.2d --, 2016 WL 516641 (S.C. Ct. App. Feb. 10, 2016). SCDC's undersigned counsel in the instant matter represents SCDC in *Ackerman*. On February 25, 2016, SCDC's undersigned counsel, in South Carolina Appellate Court Rule ["SCACR"] 221(a), filed and served a petition for rehearing on SCDC's behalf in *Ackerman*. As of the date of the instant motion, SCDC's undersigned counsel has not received the Appellants' return to SCDC's petition for rehearing in *Ackerman*.

On March 9, 2016, this Court issued its decision in *Gatewood v. S.C. Dep't of Corr.*, -- S.E.2d --, 2016 WL 912672 (S.C. Ct. App. Mar. 9, 2016). SCDC's undersigned counsel in the instant matter also represents SCDC in *Gatewood*. Both the Appellant's counsel and SCDC's undersigned counsel, under SCACR 221(a), confront a deadline of Thursday, March 24, 2016 by which they may file and serve petitions for rehearing on behalf of the parties in *Gatewood*. In accordance with SCACR 240(e), returns to any petitions for rehearing in *Gatewood* would be due on or about Wednesday, April 6, 2016. In accordance with SCACR 240(f), both the Appellant's counsel and SCDC's undersigned counsel would confront a deadline of on or about Monday, April 18, 2016 by which to file and serve replies to any return filed in *Gatewood*.

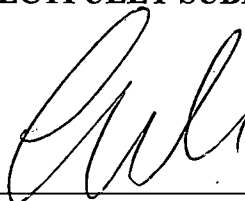
In addition to the above-provided deadlines in *Ackerman* and *Gatewood*, SCDC's undersigned counsel also faces deadlines over the next several weeks concerning discovery activity in the following cases pending in circuit court in which he represents the defendants: (1)

Oliver v. University of South Carolina, et al., 2015-CP-40-3502, and (2) *Adventure Golf Carts, et al., v. S.C. Dep't of Corr., et al.*, 2015-CP-40-6354.

Finally, SCDC's undersigned counsel currently faces a deadline of March 28, 2016 by which to file an initial brief on behalf of SCDC in a matter pending before the South Carolina Administrative Law Court and styled as *Ward v. S.C. Dep't of Corr.*, ALC Docket # 15C-0560.

Thus, for the foregoing reasons, SCDC's undersigned counsel respectfully urges this Court to grant his instant motion, and, accordingly, SCDC's undersigned counsel respectfully urges this Court to extend the deadline by which SCDC must file its initial brief and designation of until Monday, May 2, 2016.

RESPECTFULLY SUBMITTED:



March 17, 2016

Lake E. Summers
Malone, Thompson, Summers & Ott LLC
339 Heyward Street, Suite 200
Columbia, South Carolina 29201
Office: (803) 254-3300
Fax: (803)-254-0309
E-mail: summers@mtsolawfirm.com

Counsel for Appellant

Pro se Respondent:

Thomas J. Torrence
#094651
Lieber Correctional Institution
Post Office Box 205
Ridgeville, South Carolina 29472

RECEIVED

MAR 17 2016

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE SOUTH CAROLINA ADMINISTRATIVE LAW COURT

Deborah Brooks Durden, Administrative Law Judge

Appellate Case No. 2016-000285
Administrative Law Court Docket No. 12-ALJ-04-00143-AP

Thomas J. Torrence, #094651 Respondent,

v.

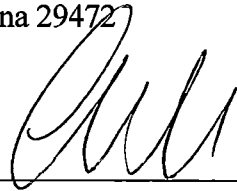
South Carolina Department of Corrections Appellant.

PROOF OF SERVICE

I certify that I have served the **APPELLANT'S MOTION FOR A 45-DAY EXTENSION OF THE DEADLINE BY WHICH IT MAY FILE ITS INITIAL BRIEF AND DESIGNATION OF MATTER** on the above named *pro se* Respondent by mailing a copy to him, first class postage pre-paid, at the following address:

Thomas J. Torrence
#094651
Lieber Correctional Institution
Post Office Box 205
Ridgeville, South Carolina 29472

March 17, 2016



Lake E. Summers