

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM CHARLESTON COUNTY
COURT OF COMMON PLEAS

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,

Respondants/Appellees.

**MOTION FOR EXTENSION OF TIME
TO FILE RESPONSE TO RESPONDANTS/APPELLEES'**

Plaintiff/Appellant shows to the Court that the time to file a response a response to Appellees' Petition to Strike Appellant's Reply Brief or in the alternative to File a Sur-Reply Brief..and Ato 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

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("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 4, 2016, Defendants/Appellees filed a Motion to Strike Plaintiff's Reply Brief.

6. 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.

7. On March 21, 2016, Defendants/Appellants filed a Petition to Supplement the Record, based in part on the recent rulings of the Benefits Review Board.

8. 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 five (5) days to file responses to these Petitions, up to and including April 4, 2016.

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

This the 28th day of March, 2016.

By: Chauntel Demetrius Bland
Chauntel Demetrius Bland, Esq.
Bar No. 70150
463 Regency Park Drive
Columbia, SC 29210
Tel. (803) 319-6262
Fax. (866) 322-6815
chauntel.bland@yahoo.com
Attorney for Plaintiff/Appellant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was sent via U.S. Mail on this 28th day of March 2016, postage prepaid to

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Pierce, Hems, Sloan & Wilson
The Blake House
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Charleston, SC 29413
Tel. (843) 722-7733
Fax. (843) 722-7732
Attorney for Defendants/Respondants
E. Paul Gibson, Reisen Law Firm, E. Paul Gibson PC

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This the 28th day of March, 2016.

By: Chauntel Demetrius Bland
Chauntel Demetrius Bland, Esq.
Bar No. 70150
463 Regency Park Drive
Columbia, SC 29210
Tel. (803) 319-6262
Fax. (866) 322-6815
chauntel.bland@yahoo.com
Attorney for Plaintiff/Appellant

Chauntel Demetrius Blind, Esquire
463 Regency Park Drive
Columbia, SC 29210



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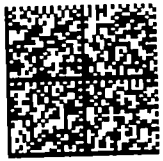
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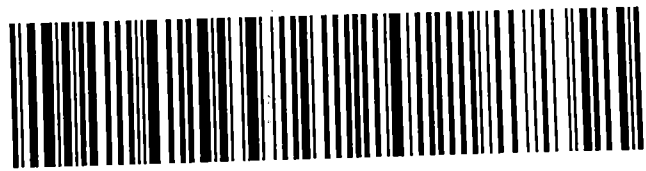
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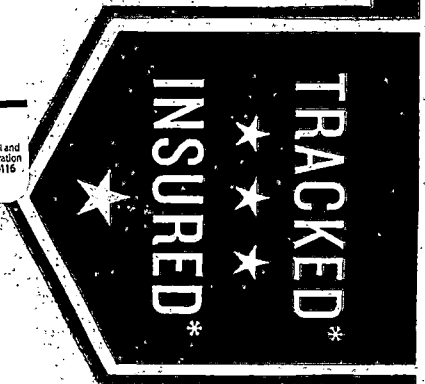
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