

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. 2014-CP-10-2954

Appellate Case No. 2015-001930

RECEIVED
APR 07 2016
SC Court of Appeals

DARRELL EDWARDS,Appellant,

v.

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

RESPONDENTS' RETURN TO
APPELLANT'S MOTION FOR EXTENSION OF TIME
TO RESPOND TO RESPONDENT'S PETITION TO STRIKE

Carl E. Pierce, II
Joseph C. Wilson, IV
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(843) 722-7733
Attorneys for Respondents

Other Counsel of Record:

Chauntel Demetrius Bland
463 Regency Park Dr.
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(803) 319-6262
Attorney for Appellant

Respondents/Defendants E. Paul Gibson, Reisen Law Firm, and E. Paul Gibson PC hereby respond to Appellant Darrell Edwards' Motion for Extension of Time to File a Response to Respondents' Petition to Strike Appellants' Reply Brief.

On February 19, 2016, Appellant filed a Reply Brief. Appellant's Reply Brief presented an argument based on a recent ruling from the Benefits Review Board in an underlying matter. Appellants argued that the ruling undermined the Summary Judgment Order being appealed in this matter. The argument presented in the Reply Brief was not presented in the Appellant's initial brief nor to the lower court. As such, the Reply Brief violated numerous rules of appellate preservation and presentation, and Respondents did not have an opportunity to respond to this new argument. In addition, the Reply Brief misrepresented the impact of the holding of the Benefits Review Board by quoting only a small portion of the order and not attaching the order. The Benefits Review Board order has since been revised on a motion to reconsider, removing the very language cited by Appellant.

On March 4, 2016, Respondents moved to strike the Reply Brief or, in the alternative, to file a Sur-Reply Brief. The petition included a proposed Sur-Reply Brief.

On March 28, 2016, twenty-four (24) days after Respondents' Petition to Strike, Appellant moved for an extension of time to respond to the Petition. The motion for an extension was made fourteen (14) days after the return was due. Rule 240(e), SCACR. As of the filing of this Return, Appellant has still not responded to the Petition to Strike.

Appellant has been tardy or deficient in nearly every filing before this Court, including:

1. Appellant failed to provide a filing fee with the original appeal.

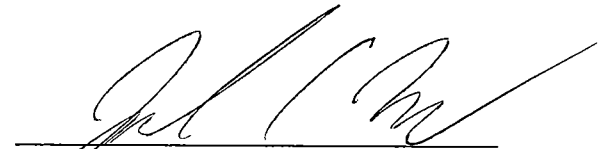
2. Appellant failed to timely order the transcript.
3. Appellant failed to pay the filing fee for the motion to extend time to order the transcript.
4. Appellant put an incorrect date on his check for the filing fee.
5. Appellant failed to timely provide the Court with proof that he requested the transcript and paid for it.
6. Appellant moved for an extension to time to file his initial brief, but again failed to provide the filing fee.
7. Appellant failed to include a Designation of Matter to be Included in the Record on Appeal with his initial brief.
8. Appellant filed an inaccurate proof of service with his initial brief.
9. Even though Appellant eventually filed a Designation of Matter to Be Included in the Record on Appeal, along with a proof of service, Counsel for Respondents never received the Designation of Matter from Appellant. Counsel for Respondents eventually downloaded it from the Court's website.
10. Appellant filed a Reply Brief that was dated February 19, 2016, but purportedly served on February 16, 2016.
11. As previously mentioned, Appellant's Reply Brief introduced entirely new arguments based on an entirely new order in a related matter but failed to provide the order itself or designate it for the appellate record.

Due to Appellant's repeated failures to comply with the Appellate Court Rules, provide timely filings, and to provide accurate proofs of service, Respondent has incurred

substantial costs and expenses in addressing these failures. Appellant has now completely ignored the latest deadline to respond to Respondent's Petition to Strike.

Based on the foregoing, Respondents would ask that the Court deny Appellant's Motion to Extend Time to file a return to Respondents' Petition to Strike and strike Appellant's Reply Brief.

Respectfully submitted,



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Attorneys for Respondents

4/5, 2016
Charleston, South Carolina

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PROOF OF SERVICE

I, Kelly Forrester, an employee of Pierce, Hems, Sloan & Wilson, LLC, attorneys for the Respondents, do hereby certify that I have served a copy of Respondents' Return to Appellant's Motion for Extension of Time to Respond to Respondent's Petition to Strike on this the 5th day of April, 2016, by U.S. Mail to the attorneys identified below:

ATTORNEY FOR APPELLANT:
Chauntel Demetrius Bland, Esquire
463 Regency Park Drive
Columbia, SC 29210



Kelly Forrester

PIERCE, HERNS, SLOAN & WILSON, LLC

ATTORNEYS AND COUNSELORS AT LAW

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April 5, 2016

The Honorable V. Clair Allen
Deputy Clerk, S.C. Court of Appeals
P.O. Box 11629
Columbia, SC 29211

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Re: *Darrell Edwards v. E. Paul Gibson, Reisen Law Firm and E. Paul Gibson PC and John Does 1-5*
C/A No. 2014-CP-10-2954
Appellate Case No. 2015-001930
PHSW File No. D2529.01

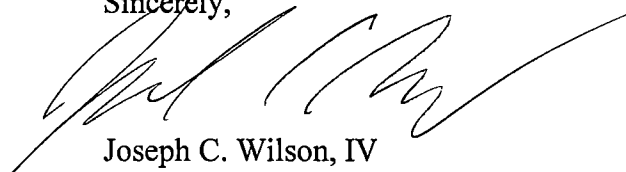
SC Court of Appeals

Dear Ms. Allen:

Enclosed for filing please find the original and six (6) copies of Respondents' Return to Appellant's Motion for Extension of Time to Respond to Respondent's Petition to Strike Reply Brief, including a Certificate of Service. If you have any questions, please do not hesitate to contact me.

With kind regards,

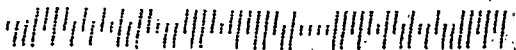
Sincerely,



Joseph C. Wilson, IV

Enclosure

cc: Chauntel Demetrius Bland, Esquire



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ATTORNEYS AND COUNSELORS AT LAW

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