

THE STATE OF SOUTH CAROLINA
In The Supreme Court

RECEIVED

JUN 15 2016

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

SC SUPREME COURT

The Honorable G. Thomas Cooper, Jr., Circuit Court Judge

Case No. 2016 -001050

Protection and Advocacy for the People with Disabilities, Inc.; M.J.B. on behalf of and as next friend of J.B.; C.B.B. on behalf of and as guardian of P.B.; G.C. and L.C. on behalf of and as guardians of F.C.; D.P. on behalf of and as guardian of C.M.D.; K.F. and S.F. on behalf of and as next friend of A.E.; J.H. on behalf of and as next friend of A.J.; G.M. on behalf of and as next friend of E.M.; N.M. on behalf of and as guardian of E.J.M.; R.P. on behalf of and as Guardian of S.P.; R.R. and J.R. on behalf of and as guardians of K.D.R.; and J.K. on behalf of and as guardian of S.S. **RESPONDENTS**

v.

South Carolina Department of Disabilities and Special Needs; Dr. Beverly Buscemi, in her official capacity as Director of the South Carolina Department of Disabilities and Special Needs; and Nancy Banor, Deborah McPherson, Christine Sharp, Rick Huntress, Fred Lynn, Harvey Shiver and Kelly Hanson Floyd, as Commissioners of the South Carolina Department of Disabilities and Special Needs **PETITIONER**

**RESPONDENTS' MOTION FOR EXTENSION OF TIME
TO FILE RESPONDENTS' RETURN TO PETITION FOR CERTIORARI
FOR GOOD CAUSE AND/OR TO STAY**

Respondents, Protection and Advocacy for the People with Disabilities, Inc.; M.J.B. on behalf of and as next friend of J.B.; C.B.B. on behalf of and as guardian of P.B.; G.C. and L.C. on behalf of and as guardians of F.C.; D.P. on behalf of and as

guardian of C.M.D.; K.F. and S.F. on behalf of and as next friend of A.E.; J.H. on behalf of and as next friend of A.J.; G.M. on behalf of and as next friend of E.M.; N.M. on behalf of and as guardian of E.J.M.; R.P. on behalf of and as Guardian of S.P.; R.R. and J.R. on behalf of and as guardians of K.D.R.; and J.K. on behalf of and as guardian of S.S., hereby respectfully move for a thirty (30) day extension of time for the filing of Respondents' Return to Petition for Certiorari provided in Rule 242(f), SCACR.

The Respondents further move for the Court to stay all time limits in Rules 242, SCACR, for the Respondents to respond and file Respondents' Return to Petition for Certiorari from the date of filing this motion and until date of receipt by the parties of a copy of the Order by the Court ruling on this Motion for extension.

The Petitioners' Petition for Writ of Certiorari, dated May 19, 2016, was received on Thursday, May 19, 2016 by email on May 19th and by U.S. Mail on May 24, 2016, and the Petitioners' Amended Petition for Writ of Certiorari dated May 20, 2016, was received by U.S. Mail until May 24, 2016 as it took four (4) days from the date of mailing to be received. The Respondents' Return to Petition for Certiorari is currently due to be filed by the Respondents no later June 20, 2016. The reasons for this motion requesting an additional thirty (30) day extension is needed due to the current workloads of the counsel of record, including additional and unexpected briefing demands due to developments in other matters, motions hearing and other hearing previously scheduled, scheduled depositions, and other deadlines, personal medical appointments, and related matters. With the grant of this request for extension made with good cause, it would then make the Respondents' Return to Petition for Certiorari due no later than July 20, 2016. The Respondents respectfully request to be allowed the additional time requested. This

motion is not made for the purpose of undue delay, but due to unexpected demands, mail delays, and personal matters.

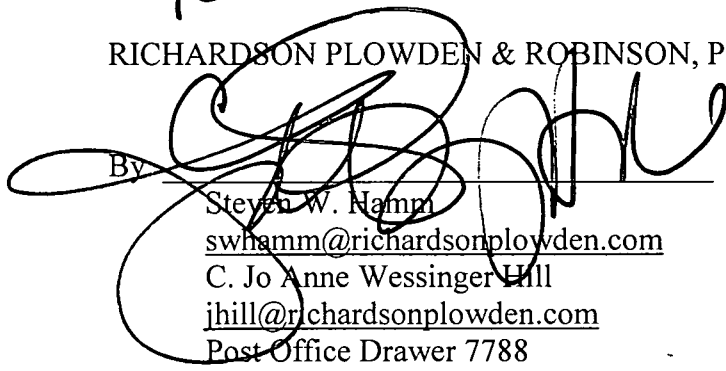
Prior to filing this motion, the undersigned attorney for Respondents, C. Jo Anne Wessinger Hill, did consult with counsel for the Petitioners, Kenneth P. Woodington, Esquire, and has been advised that the Petitioners do not have any objection and did agree and consent in writing to the motion to stay and for the extension of time of an additional time.

WHEREFORE, undersigned counsel for Respondents pray that this Court shall issue an Order staying the time limits set forth in Rule 242(f), SCACR, for the Respondents to respond and file an Respondents' Return to Petition for Certiorari from the date of filing this motion and until the parties receive a copy of the Order of the Court deciding this Motion for extension.

WHEREFORE, undersigned counsel for Respondents pray that this Court shall issue an Order allowing the additional time requested and extending for an additional thirty (30) days the time limits set forth in Rule 242(f), SCACR, for the Respondents to respond and file an Respondents' Return to Petition for Certiorari so that the referenced filings shall be due no later than July 20, 2016.

Respectfully submitted this 15th day of June, 2016.

RICHARDSON PLOWDEN & ROBINSON, P.A.

A large, stylized handwritten signature in black ink, appearing to be 'S. Hamm', is written over the 'By' line and extends upwards into the firm name.

By

Steven W. Hamm
swhamm@richardsonplowden.com

C. Jo Anne Wessinger Hill
jhill@richardsonplowden.com

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Columbia, South Carolina 29202
(803) 771-4400
(803) 779-0016 facsimile
ATTORNEYS FOR RESPONDENTS

Columbia, South Carolina

June 15, 2016

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Protection and Advocacy for the People with Disabilities, Inc., et. al. . **RESPONDENTS**

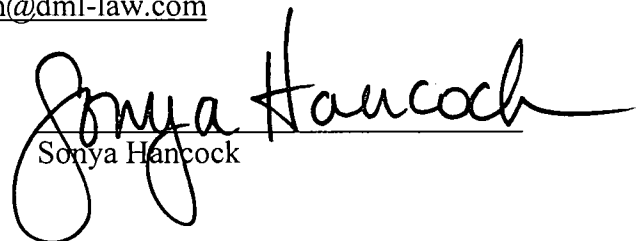
v.

South Carolina Department of Disabilities and Special Needs, et. al. . . **PETITIONERS**

PROOF OF SERVICE

The undersigned employee of RICHARDSON PLOWDEN & ROBINSON, P.A., attorneys for Appellant, does hereby certify that service of the foregoing **RESPONDENTS' MOTION FOR EXTENSION OF TIME TO FILE RESPONDENTS' RETURN TO PETITION FOR CERTIORARI FOR GOOD CAUSE AND/OR TO STAY** in the above-captioned matter was made upon all counsel of record this 15 day of June, 2016, by electronic mail and by depositing a copy of same in the U.S. Mail, postage prepaid, addressed as follows:

William H. Davidson, II, Esq.
Kenneth P. Woodington, Esq.
Davidson Morrison & Lindermann, PA
P.O. Box 8568
Columbia, SC 29202
kwoodington@dml-law.com
w davidson@dml-law.com


Sonya Hancock

June 15, 2016
Columbia, South Carolina

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JUN 15 2016

SC SUPREME COURT

June 15, 2016

The Hon. Daniel E. Shearouse
Clerk of Court
South Carolina Supreme Court
1231 Gervais Street
Columbia, South Carolina 29201

Re: *Protection and Advocacy for the People with Disabilities, Inc., et. al.,
Appellants v. South Carolina Department of Disabilities and Special
Needs, et. al., Respondents*
Appellate Case No.: 2016-001050
Our File No.: 6151.001

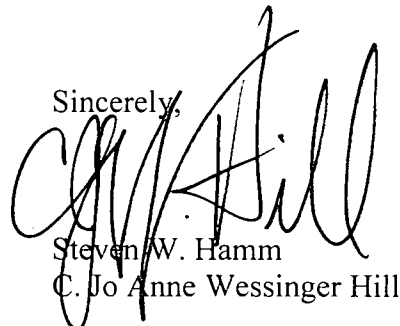
Dear Mr. Shearouse:

Please find enclosed the original and seven (7) copy of Respondents' Motion for Extension of Time to File Respondents' Return to Petition for Certiorari for filing with the Court in this matter. If you would be so kind as to return the filed, stamped copy to our courier, it would be greatly appreciated.

If you should have any further questions or concerns, please do not hesitate to contact us directly. Thank you for your assistance in this matter.

With kindest regards, we are

Sincerely,



Steven W. Hamm
C. Jo Anne Wessinger Hill

SWH/CJWH/smh

Enclosure

cc: Kenneth P. Woodington, Esquire (via US Mail and email) (with enclosure)
William H. Davidson, III, Esquire (via US Mail and email) (with enclosure)



The Supreme Court of South Carolina

Richardson Plowden Robinson

06/16/2016

RECEIPT #79927

Case No: 2016-001050
Case Short Title: Protection and Advocacy v. SCDDSN(2)
Event:
Fee Type: Motion Fee
Amount: \$25.00
Payment Type: Check
Reference No: 73616
Check/Money Order Date: 06/15/2016
Comments: