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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas
DeAndrea G. Benjamin, Circuit Court Judge

RECEIVED
AUG 08 2016
SC Court of Appeals

Appellate Case No.: 2016-000788

Clarence B. Winfrey, Jr.,Appellant,

v.

American Fire & Casualty Company c/o
Liberty Mutual Group.....Respondent,

and

State of South Carolina.....Respondent.

MOTION FOR EXTENSION OF TIME

The Appellant respectfully moves for and requests a sixty (60) day extension of time to file his Initial Brief of Appellant and Designation of Matter to Be Included in the Record on Appeal. This is the first request for an extension in this matter and Movant knows that the Court normally grants a thirty (30) day extension in reference to extensions but Movant would request, if the Court would be so gracious as to grant me, a sixty (60) day extension in this matter for the following reasons.

Movant had protection and was on vacation the first two weeks of July and as a result, put over numerous pleadings, including numerous Briefs due to the SC Workers' Compensation Commission, and numerous Briefs and Records due both to the Court of Appeals and Supreme Court. In addition, numerous Hearings, depositions and general litigation that were all rescheduled the last weeks of August, the Movant also is attending a MCLE August 4th and 5th, 2016. As a result, Movant already has numerous Briefs due and Hearings set the last weeks of August. Therefore, basically a thirty (30) day extension will grant Movant very little time with which to work to write this Initial Brief.

In addition, this appeal involves constitutional issues, and Movant has already drafted a Request for the Supreme Court to take direct cert on all of the issues which Movant intends to finalize over the next week or so and while he does not ask that the Court put this off due to this Petition for direct cert, he simply notes that to the Court as an additional Grounds for allowing this extended request.

Also, as the Court is aware, Movant has already blocked out several weeks for extensive Appellate arguments, one of which is the first week of September. Basically, Counsel for Appellant is a Sole Practitioner although having he has Associate who has an individual full case load.

For all of these reasons stated above, the Movant would request and sincerely appreciate it if the Court would consider granting a sixty (60) day extension making the Initial Brief and Designation of Matter due on or about October 9th.

As the Court is aware, the Movant has appeared numerous times before the Court and the Court knows that he does not make this extended request lightly.

Therefore, due to the above and due to unforeseen conflicts, scheduling and work load, the Movant has not had adequate time to properly prepare the Initial Brief and Designation of Matter within the time originally allotted by the Rules of Appellate Procedure.

Respectfully submitted,



Preston F. McDaniel, Esquire
SC Bar No.: 3770
MCDANIEL LAW FIRM
1315 Elmwood Avenue
Columbia, South Carolina 29201
(803) 771-7211
Attorney for Movant/Appellant

August 3, 2016

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and

State of South Carolina.....Respondent.


PROOF OF SERVICE

I certify that I have served the **MOTION FOR EXTENSION OF TIME** by depositing a copy of it in the United States Mail, postage prepaid, on August 3, 2016 addressed to:

Brett H. Bayne, Esquire
McAngus, Goudelock & Courie
Post Office Box 12519
Columbia, SC 29211

T. Parkin C. Hunter
Senior Assistant Attorney General
Post Office Box 11549
Columbia, SC 29211

Dated: August 3, 2016


Preston F. McDaniel
MCDANIEL LAW FIRM
1315 Elmwood Avenue
Columbia, South Carolina 29201
(803) 771-7211

Attorney for Appellant

McDANIEL LAW FIRM
ATTORNEYS AND COUNSELORS AT LAW
1315 ELMWOOD AVENUE
COLUMBIA, SOUTH CAROLINA 29201

**Proudly representing injured workers
for over 30 years.**

Preston F. McDaniel

Telephone (803) 771-7211

Matthew Robertson

Facsimile (803) 252-0709

August 3, 2016

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SC Court of Appeals

Honorable Jenny Abbott Kitchings
Clerk of Court
SC Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

**RE: Clarence Winfrey v. American Fire & Casualty
Appellate Case No.: 2016-000788**

Dear Ms. Kitchings:

Our Initial Brief of Appellant and Designation of Matter in the above-referenced matter are due to the Court on or before August 10, 2016. This is the first request for an extension in this matter and I know that the Court normally grants a thirty (30) day extension in reference to extensions but I would request, if the Court would be so gracious as to grant me, a sixty (60) day extension in this matter for the following reasons.

I had protection and was on vacation the first two weeks of July and as a result, we put over numerous pleadings, including numerous Briefs due to the SC Workers' Compensation Commission and numerous Briefs and Records due both to the Court of Appeals and Supreme Court; in addition to numerous Hearings, depositions and general litigation that were all rescheduled the last weeks and in the month of August. In addition, today I leave for MCLE Thursday and Friday. As a result, I already have numerous Briefs due and Hearings set the last two weeks of August. Therefore, basically a thirty (30) day extension will grant me very little time with which to work to try to get this written.

Also, this appeal involves constitutional issues, and I have already drafted a Request for the Supreme Court to take direct cert on all of the issues which I intend to finalize over the next week or so. I do not ask that the Court put this off due to this Petition for direct cert, but simply note that to the Court as an additional Grounds for allowing this extended request.

Next, as the Court is aware, I had already blocked out for several Appellate arguments several weeks, one of which is the

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Honorable Jenny Abbott Kitchings

August 3, 2016

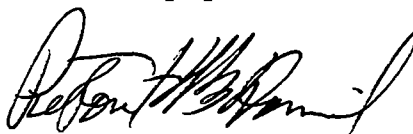
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first week of September. I am basically a Sole Practitioner although I have one Associate who has an individual full case load. For all of these reasons, I would sincerely appreciate it if the Court would consider granting me a sixty (60) day extension making my Initial Brief and Designation of Matter due on or about October 9th. I have appeared numerous times before the Court and the Court knows that I would not make this request lightly.

By copy of this letter, I am notifying and serving Counsel for the Respondents with a copy of this request. If the Court requires their consent to this, I would sincerely appreciate it if you would notify the attorneys involved. I have enclosed the appropriate \$25.00 filing fee regarding this request for extension.

I appreciate the Court's consideration in this matter and by copy of this letter I am notifying and serving Counsel of Record with a copy of the Motion for Extension of Time in this matter. As always, I appreciate all the courtesies and kindnesses shown to me by the Court.

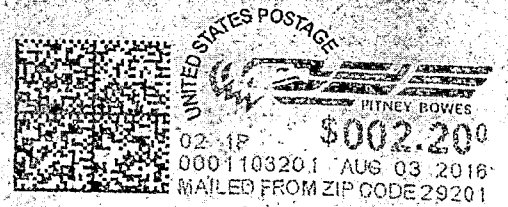
Sincerely yours,



Preston F. McDaniel

PFM/kth
Enclosures

cc: Brett H. Bayne, Esquire
T. Parkin Hunter, Esquire



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Columbia, SC 29201

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