

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

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SEP 01 2016

APPEAL FROM JASPER COUNTY  
Jasper County Court of Common Pleas S.C. SUPREME COURT

The Honorable Carmen T. Mullen, Circuit Court Judge

Appellate Case No.: 2016-001507  
Opinion No. 2016-UP-151 (S.C. Ct. App. Filed March 30, 2016)

RANDY HORTON.....Petitioner

v.

JASPER COUNTY SCHOOL DISTRICT.....Respondent

**RESPONDENT'S MOTION FOR REQUEST FOR EXTENSION TO FILE  
RESPONDENT'S RETURN BRIEF**

Appellant's Petition for Writ of Certiorari was filed with the Supreme Court on July 28, 2016. Our office received a copy of the Petition from the Appellant on August 1, 2016; however, the copy of the Petition for Writ of Certiorari was not time-stamped from the Supreme Court; therefore, we inaccurately calendared Respondent's Return to the Petition of Certiorari due on August 30, 2016. Respondents never received a stamped copy of the Petition for Writ of Certiorari from the Supreme Court and can only assume that the copy may have been mailed to Jasper County School District. Counsel for Appellant has no objection to Respondent's request for motion to file a late return to Appellant's Petition for Writ of Certiorari, as evidenced by the email communication attached hereto as Exhibit A. As counsel for the Respondent, we do not believe the Appellant is prejudiced in any way by the Return being filed one day after it was originally due.

Respectfully submitted,

CHILDS & HALLIGAN, P.A.

By: Dwayne T. Mazyck  
Dwayne T. Mazyck, S.C. Bar No. 76240  
P.O. Box 11367

Columbia, South Carolina 29211  
(803) 254-4035  
Attorneys for Respondent

September 1, 2016  
Columbia, South Carolina

# EXHIBIT A

## Shelley M. Kohr

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**From:** Ashley Twombly <twombly@twlawfirm.com>  
**Sent:** Wednesday, August 31, 2016 5:48 PM  
**To:** Dwayne T. Mazyck  
**Subject:** Re: Horton v. Jasper County School District

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Happy to help. No objection.

J. Ashley Twombly  
Twenge + Twombly Law Firm  
311 Carteret Street  
Beaufort, SC 29902  
843.982.0100  
843.982.0103 fax  
[www.twlawfirm.com](http://www.twlawfirm.com)

On Aug 31, 2016, at 5:39 PM, Dwayne T. Mazyck <[dmazyck@childs-halligan.net](mailto:dmazyck@childs-halligan.net)> wrote:

Ashley, the purpose of this e-mail is to confirm that you have no objection to granting me an extension to file my Return to your Petition for Cert. in the above reference matter. As explained during our phone call, I file my return on August 30, 2016, and today was advised by the Supreme Court that my return was actually due on August 29, 2016. I was advised that I needed to file a Motion to File a late return, in which you advised me that you had no objection to my motion. Thank you for your professional courtesy. Please respond to this email stating that you do not have any objections to my motion, thaks.

Dwayne T. Mazyck, Esq.  
Childs & Halligan, P.A.  
P.O. Box 11367  
Columbia, SC 29211  
(803) 254-4035

**NOTICE:** This e-mail may contain information that is PERSONAL AND CONFIDENTIAL, NON-DISCLOSABLE AND PROTECTED BY ATTORNEY/CLIENT PRIVILEGE. If you have received this e-mail in error, this does not constitute permission to examine, copy or distribute the accompanying material. If you receive this message in error, please notify us by telephone as listed above immediately.

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**PROOF OF SERVICE**

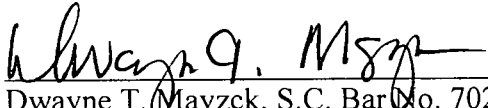
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The undersigned hereby certifies that he has served Respondent's Motion for Request for Extension to File Respondent's Return Brief by mailing a copy of the same as follows:

J. Ashley Twombly  
TWENGE + TWOMBLY LAW FIRM  
311 Carteret Street  
Beaufort, SC 29902

September 1, 2016

CHILDS & HALLIGAN, P.A.

  
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