

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

**RECEIVED**

APPEAL FROM COLLETON COUNTY  
In the Circuit Court

SEP 14 2016  
SC Court of Appeals

Doyet A. Early, III Circuit Judge  
Case No. 2010-CP-15-0247

Ted A. Nettles and Jamell B. Nettles, ..... Appellants,

v.

Sylvester Guess Drew, Jr., Debra Drew, and Colleton County, ..... Respondents.

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**RESPONDENTS' RETURN TO APPELLANTS MOTION FOR EXTENSION OF  
TIME**

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Respondents Sylvester Guess Drew, Jr., and Debra Drew ("Respondents"), pursuant to Rule 240(e), SCACR, hereby object to Appellant's most recent request for an extension of time on the basis that this Court's previous Order stated that another extension would not be granted "absent extraordinary circumstances" and such circumstances are not present here. Further, Appellant's continuous delay of this appeal is unjustified and is causing prejudice to Respondents. Respondents' counsel and this Court have already granted to Appellants numerous extension requests, and at some point the continuous delay of this appeal must stop in the interests of receiving final disposition of this matter.

Appellants have appealed from the Orders of the Honorable Doyet A. Early, III, one titled Final Order, filed September 23, 2015, and a Form 4 Order denying Appellant's

Motion for Reconsideration, filed November 23, 2015. We are now approaching one (1) year since the trial court decision of this matter that serves for the basis of the appeal. Since that time, the parties have been held in limbo regarding final disposition.

Appellants filed and served their Notice of Appeal on March 7, 2016, one hundred and five (105) days after the Order denying Appellant's Motion for Reconsideration. Respondents sought to dismiss the appeal on the grounds that Appellants failed to timely file their notice. On March 29, 2016, Appellants requested the first extension of time to file their initial brief. *See* March 29<sup>th</sup> Letter, attached and incorporated hereto as **Exhibit A**. Appellants stated the basis for this extension was that this was the first extension request. Respondents had no objection to one request (despite the Notice being late) and this Court issued an Order on April 6, 2016, extending the time to file the brief until May 4, 2016. *See* April 6 Court Order, attached and incorporated hereto as **Exhibit B**.

Throughout April and May, the parties filed briefs related to Respondent's Motion to Dismiss. These filings stayed the time for Appellant's to file their initial brief. Thus, Appellants were essentially granted another two-month extension to prepare their initial brief. After this Court denied Respondent's Motion to Dismiss, the Court ordered that the initial brief and designation of matter be served and filed not later than July 8, 2016. *See* Order letter dated June 7, attached and incorporated hereto as **Exhibit C**. This latest Order gave Appellants yet another month to file the initial brief.

Despite the numerous extensions – four months since the initial brief was originally due – Appellants *yet again requested another extension* on July 7<sup>th</sup>, the date before the initial brief was due on the grounds that Appellants were substituting counsel. *See* July 7

Motion, attached and incorporated hereto as **Exhibit D**. Respondents filed an objection to that request on the grounds that numerous requests had already been granted.

The Court issued an Order dated July 11, 2016, granting another extension until August 8<sup>th</sup> because of the substitution of counsel, and stating explicitly that “[n]o further extensions will be granted absent extraordinary circumstances.” *See* July 11 Order, attached and incorporated hereto as **Exhibit E**. Despite this, on August 17<sup>th</sup>, this Court granted Appellant’s Motion to Substitute Counsel and gave another extension to Appellants until Friday September 16<sup>th</sup>. *See* August 17 Order, attached and incorporated hereto as **Exhibit F**. However, this Court’s previous extension was based on the fact that Appellants had substituted counsel. *See* **Exhibit E**.

Amazingly, despite this Court stating that no further extensions would be granted absent extraordinary circumstances, Appellants filed on September 9<sup>th</sup> another request for an extension of time. *See* September 9 Motion, attached and incorporated as **Exhibit G**. Appellants asserted two grounds. The first is that Appellants are allegedly in negotiations with a third party. This is not sufficient “extraordinary circumstances” to further delay the filing of the initial brief. Negotiations can still be ongoing while the initial brief is filed, and negotiations could theoretically go on forever. The second ground is that “appellants’ current counsel was only recently substituted as counsel.” However, Appellants have already received two (2) extensions based on the substitution of counsel. They should not be entitled to another one as this Court stated in its last Order it would take “extraordinary circumstances” to get another extension.

For these reasons, Respondents respectfully request that Appellants’ Motion be denied.

HAYNSWORTH SINKLER BOYD, P.A.

By: David M. Swanson (DMS)

David M. Swanson, SC Bar No. 3451

134 Meeting Street, 3<sup>rd</sup> Floor

Charleston, SC 29401

Telephone: 843.722.3366

Facsimile: 843.722.2266

[dwanson@hsblawfirm.com](mailto:dwanson@hsblawfirm.com)

Pierce T. MacLennan, SC Bar No. 101797

134 Meeting Street, 3<sup>rd</sup> Floor

Charleston, SC 29401

Telephone: 843.722.3366

Facsimile: 843.722.2266

[pmaclennan@hsblawfirm.com](mailto:pmaclennan@hsblawfirm.com)

Dated: September 14, 2016  
Charleston, South Carolina



# Futeral & Nelson LLC

1004 Anna Knapp Boulevard  
Mount Pleasant, South Carolina 29464

Mailing Address:

P.O. Box 1385  
Mount Pleasant, South Carolina 29465  
Tel: 843-284-5500 | Fax: 843-284-5501  
charlestonlaw.net

March 29, 16

The Honorable Jenny Abbott Kitchings  
South Carolina Court of Appeals  
1015 Sumter Street  
Post Office Box 11629  
Columbia, South Carolina 29211

Re: Ted A. Nettles and Janell B. Nettles, Appellants v. Sylvester Guess Drew, Jr., and Debra Drew and Colleton County, Respondents.  
Appellate Case No.: 2016-000477  
F & N File No.: 9123881

Dear Ms. Kitchings:

Please allow this letter to serve as a formal request for a thirty (30) days extension in which to file Appellants' Initial Brief that is due April 1, 2016. The initial brief would now be due May 1, 2016.

Appellants counsel has not previously requested an extension nor has an extension been granted. Appellants' Counsel has conferred with Respondents' Counsel, who have no objections.

By copy of this letter, I am serving Pierce T. MacLennan, Esquire, David Swanson, Esquire, and Ernest Mitchell Griffith, Esquire. Thank you for your attention to this matter.

With kind regards, I am,

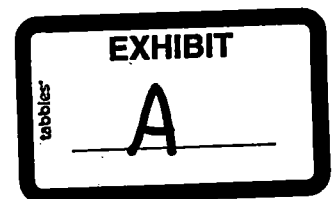
Sincerely,

Shaunda M. Smith  
Paralegal

/sms

cc: David Swanson, Esquire  
Pierce T. MacLennan, Esquire  
Ernest Mitchell Griffith, Esquire

W. of Boyd, FA.  
3-30  
35742-1



# The South Carolina Court of Appeals

Ted A. Nettles and Janell B. Nettles, Appellants,

v.

Sylvester Guess Drew, Jr., Debra Drew and Colleton  
County, Respondents.

Appellate Case No. 2016-000477

The Honorable Doyet A. Early, III  
Colleton County  
Trial Court Case No. 2010CP1500247

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## ORDER

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The time for serving and filing the appellant's initial brief and designation of matter is hereby extended until May 4, 2016.

FOR THE COURT

BY V. Claire Allen, Deputy  
CLERK

Columbia, South Carolina

cc:

Thomas C. Nelson, Esquire  
A. Parker Barnes, Jr., Esquire  
Ernest Mitchell Griffith, Esquire  
David M. Swanson, Esquire  
Pierce Talmadge MacLennan, Esquire

**FILED**

28 4/6/16

EXHIBIT

B

tabbles



## The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

V. CLAIRE ALLEN  
DEPUTY CLERK

POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211  
1220 SENATE STREET  
COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE: (803) 734-1890  
FAX: (803) 734-1839  
www.sccourts.org

June 08, 2016

Mr. Thomas C. Nelson, Esquire  
1004 Anna Knapp Blvd., 2Nd Floor  
Mt. Pleasant SC 29464

Re: Ted A. Nettles v. Sylvester Guess Drew, Jr.  
Appellate Case No. 2016-000477

Dear Counsel:

The appellant's initial brief and designation of matter are due to be served and filed no later than thirty (30) days from the date of this letter.

Very truly yours,

*V. Claire Allen, Deputy*

CLERK

cc: A. Parker Barnes, Jr., Esquire  
Ernest Mitchell Griffith, Esquire  
David M. Swanson, Esquire  
Pierce Talmadge MacLennan, Esquire



THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM COLLETON COUNTY  
In the Circuit Court

Doyet A. Early, III, Circuit Court Judge

Case No. 2016-000477

Ted A. Nettles and Janell B. Nettles ..... Appellants,

v.

Sylvester Guess Drew, Jr., Debra Drew, and Colleton County, ..... Respondents.

MOTION FOR AN EXTENSION OF TIME TO FILE INITIAL BRIEF OF  
APPELLANTS

Appellants, by and through undersigned counsel, respectfully moves this Honorable Court to allow a thirty (30) day extension of time to file the Initial Brief.

The grounds for this motion are that, Appellants' are in the process of substituting counsel, by the name of Dean Hayes, Esquire. Further, the transcript is from a nearly two-day trial with numerous exhibits that must be retrieved from the courthouse.

FUTERAL & NELSON, LLC



Thomas C. Nelson, Esquire

S.C. Bar ID 71178

Post Office Box 1385

Mt. Pleasant, South Carolina 29465-1385

Telephone (843) 284-5500

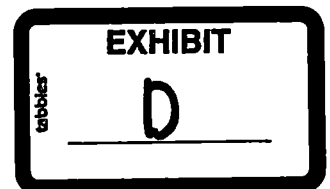
Facsimile (843) 284-5501

email to: tnelson@charlestonlaw.net

Mount Pleasant, South Carolina

Dated: 7/7, 2016

Attorney for *Appellants*



THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM COLLETON COUNTY  
In the Circuit Court

Doyet A. Early, III Circuit Court Judge

Case No. 2016-000477

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Ted A. Nettles and Janell B. Nettles, ..... Appellants,

v.

Sylvester Guess Drew, Jr., Debra Drew, and Colleton County, ..... Respondents.

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**PROOF OF SERVICE**

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I certify that I have served the the following document on the following recipients at the addresses shown below by depositing a copy in the United States Mail, postage prepaid, on July 8, 2016:

**Documents:** Motion for Extension of Time to File Initial Brief of Appellants'

**Recipients:** David M. Swanson, Esquire  
Pierce T. MacLennan, Esquire  
Haynsworth Sinkler Boyd, P.A.  
134 Meeting Street, 3<sup>rd</sup> Floor  
Charleston, South Carolina 29401

  
Shaunda Smith, Paralegal

# The South Carolina Court of Appeals

Ted A. Nettles and Janell B. Nettles, Appellants,

v.

Sylvester Guess Drew, Jr., Debra Drew and Colleton  
County, Respondents.

Appellate Case No. 2016-000477

The Honorable Doyet A. Early, III  
Colleton County  
Trial Court Case No. 2010CP1500247

ORDER

Dayton, Jr., Doyet, III, P.A.  
Date Filed 7-14  
C/M # 35742-1  
Docketed \_\_\_\_\_  
IDL \_\_\_\_\_

The time for serving and filing the appellants' initial brief and designation of matter is hereby extended until August 8, 2016. No further extensions will be granted absent extraordinary circumstances.

FOR THE COURT

BY V. Claire Allen, Deputy  
CLERK

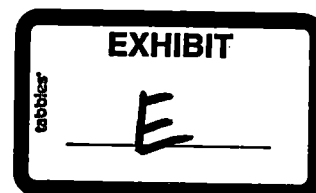
**FILED**

July 11, 2016 JS

Columbia, South Carolina

cc:

Thomas C. Nelson, Esquire  
A. Parker Barnes, Jr., Esquire  
Ernest Mitchell Griffith, Esquire  
David M. Swanson, Esquire  
Pierce Talmadge MacLennan, Esquire



# The South Carolina Court of Appeals

Ted A. Nettles and Janell B. Nettles, Appellants,

v.

Sylvester Guess Drew, Jr., Debra Drew and Colleton  
County, Respondents.

Appellate Case No. 2016-000477

The Honorable Doyet A. Early, III  
Colleton County  
Trial Court Case No. 2010CP1500247

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## ORDER

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Counsel for appellants filed a motion for substitution of counsel. No return was received. The motion is hereby Granted. Thomas C. Nelson is relieved as counsel and substituted by Dean A. Hayes. The appellants' initial brief and designation of matter are due to be served and filed no more than thirty (30) days from the date of this order.

FOR THE COURT

BY Jay A. Latej  
CLERK

Columbia, South Carolina  
cc:  
Thomas C. Nelson, Esquire  
A. Parker Barnes, Jr., Esquire  
Ernest Mitchell Griffith, Esquire  
David M. Swanson, Esquire  
Pierce Talmadge MacLennan, Esquire  
Dean A. Hayes

**FILED**

8-17-16 BG



80880

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM COLLETON COUNTY  
Court of Common Pleas

Doyet E. Early, III, Circuit Court Judge

Case No.: 2010-CP-15-00247

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SEP 09 2016

SC Court of Appeals

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Appellants,

v.

Sylvester Guess Drew, Jr., Debra Drew,  
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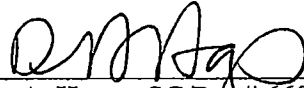
APPELLANTS' MOTION FOR EXTENSION OF TIME

The appellants, Ted A. Nettles, Jr. and Janell B. Nettles, move for an extension of time to file and serve their initial brief and their designation of matter to be included in the record on appeal, which are currently due on September 16, 2016. There are two grounds for this motion. The first is that appellants are currently in negotiations with a third party, and if those negotiations are successful, this appeal will most likely be moot. The second ground is that appellants' current counsel was only recently substituted as counsel by an order filed on August 17, 2016, and current counsel needs additional time to obtain and review the rather large number of documents in this case in order to prepare the initial brief and designation of matter to be included in the record on appeal.



✓

September 9, 2016



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Dean A. Hayes, SC Bar# 66066  
1777 Bull Street (29201)  
P.O. Box 11006  
Columbia, SC 29211  
(803) 765-2968  
Attorney for Appellants

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM COLLETON COUNTY  
Court of Common Pleas

Doyet E. Early, III, Circuit Court Judge

Case No.: 2010-CP-15-00247

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Ted A. Nettles and Janell B. Nettles,

Appellants,

v.

Sylvester Guess Drew, Jr., Debra Drew,  
and Colleton County,

Respondents.


PROOF OF SERVICE

I certify that I have served Appellants' motion for an extension of time on the  
the following by depositing a copy of it in the United States mail, postage prepaid, on July 28,  
2016, addressed as follows:

A. Parker Barnes, Jr., Esq.  
P.O. Drawer 1729  
Beaufort, SC 29901  
Attorney for Sylvester Guess Drew, Jr.  
and Debra Drew

Ernest Mitchell Griffith, Esq.  
P.O. Drawer 570  
Beaufort, SC 29901  
Attorney for Colleton County

September 9, 2016

  
\_\_\_\_\_  
Dean A. Hayes, SC Bar # 66066  
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P.O. Box 11006  
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(803) 765-2968  
Attorney for Appellants

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM COLLETON COUNTY  
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Doyet A. Early, III Circuit Judge  
Case No. 2010-CP-15-0247

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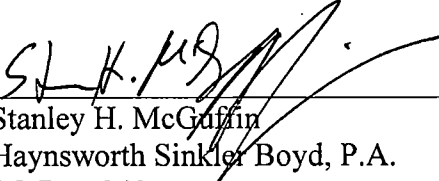
**PROOF OF SERVICE**

I, the undersigned employee of Haynsworth Sinkler Boyd, P.A., do hereby certify that I have this 14<sup>th</sup> day of September, 2016, caused the foregoing *Respondents' Return to Appellants Motion for Extension of Time* to be served via U.S. mail, postage prepaid on counsel of record at the addresses shown below:

Dean Hayes  
P.O. Box 11006  
Columbia, SC 29211

A Parker Barnes  
PO Drawer 1729  
Beaufort, SC 29901-1729

Ernest M Griffith  
Griffith Sadler & Sharp PA  
PO Drawer 570  
Beaufort, SC 29901

  
\_\_\_\_\_  
Stanley H. McGuffin  
Haynsworth Sinkler Boyd, P.A.  
PO Box 340  
Charleston, SC 29402-0340

Haynsworth  
Sinkler Boyd, P.A.

ATTORNEYS AND COUNSELORS AT LAW

September 14, 2016

RECEIVED

SEP 14 2016

SC Court of Appeals

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PIERCE T MACLENNAN  
DIRECT DIAL NUMBER 843.720.4429  
EMAIL [pmaclessan@hsblawfirm.com](mailto:pmaclessan@hsblawfirm.com)

**VIA HAND DELIVERY**

The Honorable Jenny A Kitchings  
Clerk of Court  
SC Court of Appeals  
1015 Sumter Street  
Columbia, SC 29201

RE: Ted A. Nettles and Jamell B. Nettles v Sylvester Guess Drew Jr, Debra Drew and  
Colleton County  
Colleton County Civil Action: 10-CP-15-0247  
HSB File: 35742-1

Dear Ms. Kitchings:

Enclosed for filing are an original and seven (7) copies of Respondents Sylvester Guess Drew, Jr. and Debra Drew's Return to Appellant's Motion for Extension of Time in the above matter, together with our Proof of Service for the same. Please return one of the clocked copies to me via our courier.

By copy of this letter, I am serving counsel of record with the same.

Please let me know if you have any questions. Thank you for your assistance.

Sincerely yours,

**HAYNSWORTH SINKLER BOYD, P.A.**

*Pierce T. MacLennan (By S. M. Griffith)*

Pierce T. MacLennan

PTM/lfh

Enc

cc: David Swanson  
Dean Hayes  
Parker Barnes  
Earnest M. Griffith