

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Charleston County
Court of Common Pleas

J.C. Nicholson, Jr., Circuit Court Judge

Opinion No. 5403 (S.C. Ct. App. filed May 4, 2016)

Virginia L. Marshall and Todd W. Marshall,

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S.C. SUPREME COURT

Respondents,

v.

Kenneth A. Dodds, M.D., Charleston Nephrology Associates, LLC,
Georgia Roane, M.D., and Rheumatology Associates, P.A.,

Petitioners.

**CONSENT MOTION OF PETITIONERS
GEORGIA ROANE, M.D., AND RHEUMATOLOGY ASSOCIATES, P.A.,
TO ALLOW EXTENSION REQUEST OUT OF TIME AND
FOR EXTENSION OF TIME TO FILE/SERVE REPLY
TO RESPONDENTS' RETURN TO THE CERTIORARI PETITIONS**

YOUNG CLEMENT RIVERS, LLP
Stephen L. Brown (SC Bar No. 66468)
D. Jay Davis, Jr. (SC Bar No. 12084)
James E. Scott, IV (SC Bar No. 09063)
Perry M. Buckner, IV (SC Bar No. 100031)
Russell G. Hines (SC Bar No. 72100)
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*Counsel for Petitioners
Georgia Roane, M.D., and
Rheumatology Associates, P.A.*

TO: THE HONORABLE JUSTICES OF THE SUPREME COURT OF SOUTH CAROLINA

COME NOW Petitioners Georgia Roane, M.D., and Rheumatology Associates, P.A. (hereinafter collectively referred to in the singular as “Dr. Roane”), by and through their undersigned counsel, on the grounds stated below, and, pursuant to Rule 263(b), SCACR, as well as the Court’s order of July 16, 2014, regarding Extensions in Cases Seeking a Petition for a Writ of Certiorari to Review a Decision of the South Carolina Court of Appeals, hereby move this Honorable Court to allow the instant extension request out of time and to grant Dr. Roane an extension of five (5) days’ time to file/serve a reply to Respondents’ return to the petitions for a writ of certiorari in this matter.

1. Respondents served their Return to the Certiorari Petitions on October 26, 2016; therefore, Dr. Roane’s deadline for reply was yesterday, November 7, 2016. *See* Rules 242(g) and 263(a), SCACR.

2. By inadvertence, the undersigned did not calendar this deadline properly.

3. The undersigned wishes to submit a reply on Dr. Roane’s behalf, and due to other time commitments, both work- and non-work-related, and the substance of this case (which the Court of Appeals decided via published opinion, *see* Marshall v. Dodds, Op. No. 5403 (Ct. App. filed May 4, 2016) (Shearouse Adv. Sh. No. 18 at 54)) the undersigned would greatly appreciate five (5)

additional days, beyond *yesterday's* date, i.e., beyond November 7, 2016, to finish preparation of Dr. Roane's reply, and the undersigned humbly submits that there is good cause to allow the requested dispensation: It is in furtherance of the interests of justice; it will not work any undue prejudice upon any other party; and it is consistent with the extension protocol established by the Court's aforementioned order of July 16, 2014.

4. Moreover, prior to making this motion, the undersigned consulted with Respondents' counsel Blake A. Hewitt, Esquire, and Mr. Hewitt has kindly authorized the undersigned to represent to the Court that he does not object to the relief requested in this motion.

WHEREFORE, Dr. Roane respectfully requests that this Honorable Court allow her five (5) days from yesterday, November 7th, to file/serve her reply, i.e., to extend the deadline through next Tuesday, November 15, 2016, by the undersigned's calculations.¹

<SIGNED ON THE FOLLOWING PAGE>

¹ Computing time pursuant to Rule 263(a), because the period of time involved, five (5) days, "is less than seven (7) days, intermediate Saturdays, Sundays and holidays [are to] be excluded in the computation." This coming Friday, November 11th, is Veterans Day, a holiday. Excluding it, along with Saturday the 12th and Sunday the 13th from the computation, the five-day period (beginning on Monday, November 7th) runs through Tuesday, November 15th.

Respectfully submitted,
YOUNG CLEMENT RIVERS, LLP

By: 

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***Counsel for Respondents
Georgia Roane, M.D., and
Rheumatology Associates, P.A.***

Charleston, South Carolina

Dated: 11/8/16

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Respondents.

PROOF OF SERVICE

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I, Russell G. Hines, of Young Clement Rivers, LLP, counsel for Respondents Georgia Roane, M.D., and Rheumatology Associates, P.A., do hereby certify that I have served the **CONSENT MOTION OF PETITIONERS GEORGIA ROANE, M.D., AND RHEUMATOLOGY ASSOCIATES, P.A., TO ALLOW EXTENSION REQUEST OUT OF TIME AND FOR EXTENSION OF TIME TO FILE/SERVE REPLY TO RESPONDENTS' RETURN TO THE CERTIORARI PETITIONS** on all other parties of record by depositing a copy of the same in the United States Mail, postage prepaid, on November 8, 2016, addressed as follows to their counsel of record:

Blake A. Hewitt, Esquire
John S. Nichols, Esquire
Bluestein Nichols Thompson Delgado, LLC
P.O. Box 7965
Columbia, SC 29202

-and-

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-and-

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***Kenneth A. Dodds, M.D. and
Charleston Nephrology Associates, LLC***

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Kenneth A. Dodds, M.D.

Respectfully submitted,
YOUNG CLEMENT RIVERS, LLP

By: 

Russell G. Hines (SC Bar No. 72100)

Counsel for Respondents
Georgia Roane, M.D., and
Rheumatology Associates, P.A.

Charleston, South Carolina

Dated: 11/8/16