

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Lexington County
Honorable Diane Schafer Goodstein
Appellate Case No. 2016-001125

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MAR 20 2017

SC Court of Appeals

IN THE MATTER OF THE CARE AND TREATMENT
OF FRANCES ARTHUR OXNER,

APPELLANT.

**MOTION FOR THIRD EXTENSION FO FILE INITIAL
BRIEF OF RESPONDENT AND DESIGNATION OF MATTER**

Respondent, State of South Carolina, hereby moves for a third extension of time to file the Initial Brief of Respondent and Designation of Matter to be included in the Record on Appeal. In support of this motion, Respondent submits the following:

1. The Initial Brief of Respondent and Designation of Matter are due to be filed and served March 20, 2017, pursuant to a second extension. Respondent requests a third 30-day extension to serve and file these documents, which is not made for the purpose of delay, but due to counsel's significant absences from the office due to a work related injury. Counsel continues to be on a medically required work restriction, and is only able to work a few hours per day when possible. In addition, within the last thirty days, counsel was required to research and prepare a filing for the United States Supreme Court, for which no extensions were allowed.

2. Counsel has worked on the Initial Brief and Designation in this matter, but is unable to complete it prior to the due date. Counsel assures the Court completion of this brief is a high priority, and she will work diligently to complete it.

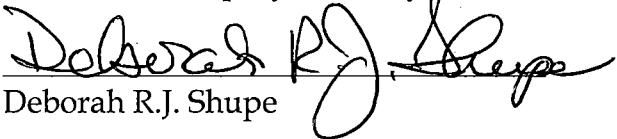
3. The undersigned consulted with counsel for the Appellant, and she is authorized to advise the Court he consents to the requested relief.

Based on the foregoing, Respondent respectfully requests that this Court grant a third 30-day extension in which to file the Initial Brief of Respondent and Designation of Matter, and that all deadlines be held in abeyance pending resolution of this motion.


Respectfully submitted,

ALAN WILSON
Attorney General

DEBORAH R.J. SHUPE
Senior Assistant Deputy Attorney General

BY: 
Deborah R.J. Shupe

DONALD J. ZELENKA
Deputy Attorney General

By: 
Donald J. Zelenka

Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3727

ATTORNEYS FOR RESPONDENT

March 20, 2017

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PROOF OF SERVICE

I, Sally Ellison, certify that I have served the Motion for Third Extension to File the Initial Brief of Respondent and Designation of Matter on Appellant by depositing a copy of same in the United States Mail, postage prepaid, addressed to:

A. Mattison Brogan, Esquire
Blake T. Williams, Esquire
Nelson Mullins Riley & Scarborough
Post Office Box 11070
Columbia, South Carolina 29211

I further certify that all parties required by Rule to be served have been served.

This 20th day of March, 2017.



SALLY ELLISON
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-3727



ALAN WILSON
ATTORNEY GENERAL

March 20, 2017

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HAND-DELIVERY

The Honorable Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina 29211

Re: In the Matter of the Care and Treatment of Frances Arthur Oxner
Appellate Case No. 2016-001125

Dear Ms. Kitchings:

Enclosed please find an original and seven (7) copies of a Motion for Third Extension to File Initial Brief and Designation of Matter, along with proof of serve for filing, in the above-referenced appeal.

Sincerely,

Deborah R.J. Shupe
Senior Assistant Deputy Attorney General

DRJS/sbe
Enclosures

cc: A. Mattison Bogan, Esquire
Blake T. Williams, Esquire
Robert M. Dudek, Esquire
David Alexander, Esquire

Hand Delivery
SC COURT OF APPEALS

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