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**THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

Appeal from Charleston County
Court of Common Pleas

R. Markley Dennis, Jr., Circuit Court Judge

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MAY 19 2017

Appellate Case No. 2015-001300
Trial Court Case No. 2012-CP-10-03114

SC Court of Appeals

Charles E. Baker, Sr.,

Appellant,

v.

Medical University of South Carolina,

Respondent.

**RESPONDENT'S MOTION FOR EXTENSION OF TIME
TO FILE/SERVE INITIAL BRIEF AND DESIGNATION OF MATTER**

YOUNG CLEMENT RIVERS, LLP
Stephen L. Brown (SC Bar No. 66468)
James Edward Scott, IV (SC Bar No. 09063)
Russell G. Hines (SC Bar No. 72100)
25 Calhoun Street, Suite 400
Charleston, South Carolina 29401
P.O. Box 993 (29402)
(843) 720-5488

Counsel for Respondent

NOW COMES Respondent, Medical University of South Carolina, by and through its undersigned counsel, pursuant to Rule 263(b), SCACR, and, on the grounds set forth below, hereby moves this Honorable Court for an extension of thirty (30) days' time to file/serve its initial brief and corresponding designation of matter to be included in the record on appeal:

1. Previously, by letter dated April 7, 2017, Respondent asked the Court to grant it a 30-day extension of time to file/serve its initial brief and designation of matter—to the best of the undersigned's knowledge, this request has not yet been ruled on.

2. In making the April 7th request, Respondent's counsel noted that they were unable to tell with certainty the date of service of the initial brief of Appellant, Charles E. Baker, Sr.; however, they believed it could not have been served before March 8, 2017.¹

3. On April 5th, the Court had written to Appellant, advising of a deficiency (that his initial brief was not accompanied by a designation of matter to be included in the record on appeal) which Appellant was required to correct

¹ C-Track, and the image of Appellant's court-stamped cover letter available via C-Track, shows that the Court received Appellant's cover letter, initial brief, and proof of service on March 27th; the envelope in which Appellant mailed these documents to the Court (an image of which is also available via C-Track) is postmarked March 24th; and Respondent's counsel's own records show receipt of a copy of Appellant's initial brief and proof of service on March 28th; however, Appellant's cover letter is dated February 8th; his initial brief is dated March 8th; and his proof of service is dated March 15th.

within ten (10) days of April 5th.

4. It appears Appellant's designation of matter was mailed to the Court and Respondent's counsel on April 17th, and was received by the Court on April 19th, which is also the date Respondent's counsel received a copy.

5. Based on his experience in other appeals before this Court, it is the undersigned's understanding that when there is a deficiency in regard to a filing (such as an initial brief without an accompanying designation of matter) the Court does not deem the filing completed (and likewise does not deem any obligation of an adverse party in response thereto triggered) until the deficiency is corrected.

6. In light of the foregoing, and on account of work-related and other time commitments, Respondent respectfully requests that the Court extend the time for it to file its initial brief and designation of matter by 30 days from today, May 17, 2017, which, by the undersigned's calculations would run through Friday, June 16, 2017. See Rule 263(a), SCACR (regarding computation of time).

7. Respondent submits that the grant of such relief is supported by good cause, is consistent with the interests of justice, and will not work any undue prejudice upon Appellant.

WHEREFORE, Respondent moves for an extension of 30 days' time (from today, May 17, 2017) to file/serve its initial brief and corresponding designation of matter to be included in the record on appeal. With the requested extension, the

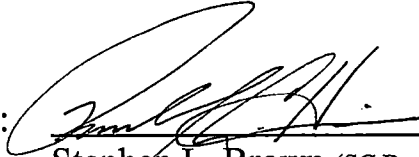
deadline for filing/serving Respondent's initial brief and designation of matter would be June 16, 2017, according to the undersigned's calculations. Further, Respondent respectfully requests that the Court hold this matter in abeyance until it acts upon this motion.²

<SIGNED ON THE FOLLOWING PAGE>

² Lastly, out of an abundance of caution, to the extent that the instant request for relief must for any reason be treated as a request for the Court to grant the requested relief out of time, Respondent asks the Court to treat this request as such and to find, based on the grounds set forth above, that there is good cause to grant the requested relief out of time.

Respectfully submitted,
YOUNG CLEMENT RIVERS, LLP

By:



Stephen L. Brown (SC Bar No. 66468)

James Edward Scott, IV (SC Bar No. 09063)

Russell G. Hines (SC Bar No. 72100)

25 Calhoun Street, Suite 400

Charleston, South Carolina 29401

P.O. Box 993 (29402)

(843) 720-5488

Counsel for Respondent

Charleston, South Carolina

Dated: 5/17/17

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Appellate Case No. 2015-001300
Trial Court Case No. 2012-CP-10-03114

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v.

Medical University of South Carolina,

Respondent.

PROOF OF SERVICE

YOUNG CLEMENT RIVERS, LLP

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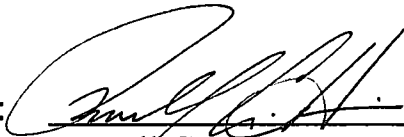
SC Court of Appeals

I, Russell G. Hines, of Young Clement Rivers, LLP, counsel for Respondent, Medical University of South Carolina, do hereby certify that I have served the foregoing **Respondent's Motion for Extension of Time to File/Serve Initial Brief and Designation of Matter** on all parties to this appeal, by depositing a copy of the same in the United States Mail, postage prepaid, on May 17, 2017, addressed as follows:

Charles E. Baker, Sr.
P.O. Box 1803
Folly Beach, SC 29439

Appellant, Pro Se

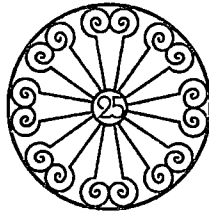
Respectfully submitted,
YOUNG CLEMENT RIVERS, LLP

By: 

Russell G. Hines (SC Bar No. 72100)
Counsel for Respondent

Charleston, South Carolina

Dated: 5/17/17



YCR LAW

Kathleen B. Barnes
Secretary

Direct Dial: (843) 720-5488
Direct Fax: (843) 579-1369
E-mail: kbarnes@ycrlaw.com

May 17, 2017

Jenny Abbott Kitchings, Clerk of Court
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

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SC Court of Appeals

Re: Charles E. Baker, Sr. vs. Medical University of South Carolina
Appellate Case No. 2015-001300
Case No.: 2015-001300
Claim No.: I.R.F. File No.: 84905
YCR File: 2235-20120413

Dear Ms. Kitchings:

Enclosed for filing in the above-referenced matter please find the original and seven (7) copies of Respondent's Motion for Extension of Time to File/Serve Initial Brief and Designation of Matter, the original and one (1) copy of the Proof of Service for same and our firm's check in the amount of \$25.00 representing the filing fee. Please file the originals and return a filed copy of each document to me in the enclosed envelope.

With best wishes and kindest regards, I am

Sincerely,

YOUNG CLEMENT RIVERS, LLP

Kathleen B. Barnes
Secretary

Enclosures

cc: Charles E. Baker, Sr.

✓

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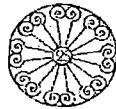
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YCRLAW 25 Calhoun Street, Suite 400
P.O. Box 993
Charleston, SC 29402-0993

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Court
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