

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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APPEAL FROM ORANGEBURG COUNTY
Court of Common Pleas
Edgar W. Dickson, Circuit Court Judge
Case No. 2012-CP-38-0845

AUG 22 2017

SC Court of Appeals

Ralph C. Williams, Sr., and Linda Williams, Appellants,

v.

Patricia A. Johnson, Josette Peppers
and UniHealth Post-Acute Care — Orangeburg, LLC Respondents.

Jason E. Bring
ARNALL GOLDEN GREGORY LLP
171 17th Street, N.W., Suite 2100
Atlanta, Georgia 30363
Ph: (404) 873-8162
Fax: (404) 873-8163
jason.bring@agg.com
Attorney for Respondents

**RESPONDENTS' RETURN IN OPPOSITION TO
APPELLANTS' FOURTH MOTION FOR EXTENSION**

Pursuant to Rule 240(e), SCACR, Respondents submit this Return in Opposition to Appellants' Motion for Extension of Time.

SUMMARY OF THE FACTS

Appellants' Motion represents their fourth¹ attempt to delay these proceedings on appeal. Appellants' original deadline to submit their initial brief was May 18, 2017. The day before the expiration, Appellants sought their first extension, which this Court granted and extended the deadline to June 19, 2017. Then, on the already-extended due date of their initial brief, Appellants again sought an extension without explanation. The Court granted that extension to

¹ Despite stating that this is their third request for an extension of this deadline, this Motion marks Appellants' fourth attempt to delay the proceedings before this Court.

July 19, 2017, but instructed Appellants that “[n]o further extensions will be granted absent extraordinary circumstances.” Thereafter, Appellants sought their third extension due to a heavy caseload and unforeseen family illness. The Court graciously granted that Motion, issuing the same order requiring “extraordinary circumstances” to permit any additional extensions of time. Now, on the date of the expiration of the thrice-extended deadline to submit their initial brief, Appellants submitted their fourth Motion for Extension of Time, this time citing the flu, a burdensome caseload and unexpected family illness of the “extraordinary circumstances” in support of their request.

ARGUMENT

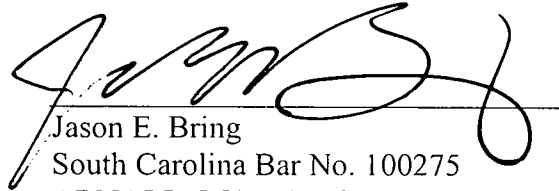
This Court should deny Appellants’ fourth attempt to delay the pursuit of their appeal. Appellants have had over 120 days to prepare their argument on appeal, but have failed to do so. A lawyer’s heavy caseload is not an extraordinary circumstance, particularly in this instance. Appellants’ counsel even specified that the “expedited matter before the Supreme Court of South Carolina” concluded in June. (See Fourth Motion for Extension of Time, p. 1.) Thus, even assuming that that matter consumed much of opposing counsel’s time for the preceding months, Appellants had nearly three months to draft their brief. Moreover, while a family-related illness is unfortunate, Counsel could have sought assistance from other attorneys in his practice or from co-counsel in this case. Similarly, Appellants’ counsel claims that he has been suffering from the flu since August 11, 2017. While this excuse in the first instance may have been compelling, Counsel has had ample time to prepare his appeal in advance of this deadline.

With Appellants’ having failed to file their brief in a timely manner, Respondents request that this Court dismiss this appeal due to Appellants’ failure to diligently pursue this matter within the timeline specified by this Court and the South Carolina Appellate Court Rules.

Accordingly, Respondents respectfully request that this Court deny Appellants' fourth Motion for Extension of Time and dismiss this appeal.

CONCLUSION

For the foregoing reasons, Respondents respectfully request that this Court deny Appellants' third Motion for Extension of Time and dismiss this appeal.



Jason E. Bring
South Carolina Bar No. 100275
ARNALL GOLDEN GREGORY LLP
171 17th Street, N.W.
Suite 2100
Atlanta, Georgia 30363
Ph: (404) 873-8162
Fax: (404) 873-8163
jason.bring@agg.com

Attorney for Respondents

August 21, 2017

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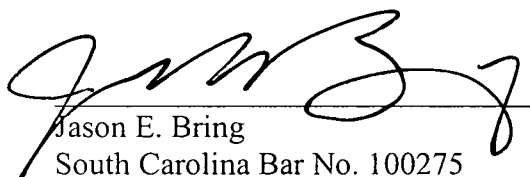
v.

Patricia A. Johnson, Josette Peppers
and UniHealth Post-Acute Care — Orangeburg, LLC Respondents.

PROOF OF SERVICE

The undersigned counsel hereby certifies that on the date indicated below he served counsel for the Appellants with a copy of the *Respondents' Return in Opposition to Appellants' Motion for Extension* by mailing copies of the same by United States Mail with first class postage prepaid to the following address:

John S. Nichols
BLUESTEIN NICHOLS THOMPSON & DELGADO
P.O. Box 7965
Columbia, South Carolina 29202



Jason E. Bring
South Carolina Bar No. 100275
ARNALL GOLDEN GREGORY LLP
171 17th Street, N.W., Suite 2100
Atlanta, Georgia 30363
Ph: (404) 873-8162
Fax: (404) 873-8163
jason.bring@agg.com

Attorney for Respondents

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**Arnall
Golden
Gregory LLP**

Atlanta Office
171 17th Street NW, Suite 2100
Atlanta, GA 30363-1031
Direct phone: 404.870.5708
E-mail: sonya.sowell@agg.com

August 21, 2017

VIA UPS OVERNIGHT

Ms. Jenny Kitchings, Clerk of Appellate Court
South Carolina Court of Appeals
1200 Senate Street
Columbia, SC 29201

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AUG 22 2017
SC COURT OF APPEALS

Re: Ralph C. Williams, et al. v. Patricia A. Johnson, et al.
Client-Matter No. 25875.5

Dear Ms. Kitchings:

Enclosed for filing with the Court please find Respondents' Return in Opposition to Appellants' Fourth Motion for Extension. We would appreciate receiving a file-stamped copy of same, and have enclosed a self-addressed, stamped envelope for your convenience in forwarding the file-stamped copy to us. Should you have any questions or comments, please do not hesitate to contact me.

Sincerely,

ARNALL GOLDEN GREGORY LLP



Sonya M. Sowell
Paralegal

/sms
Enclosures

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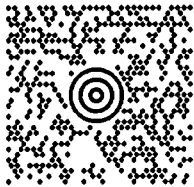
SONYA SOWELL
4048738500
ARNALL GOLDEN GREGORY LLP
171 17TH STREET NW
ATLANTA GA 30363

0.0 LBS LTR

1 OF 1

SHIP TO:

JENNY KITCHINGS
8037341890
CLERK OF SC APPELLATE COURT
1200 SENATE STREET
COLUMBIA SC 29201-3723



SC 292 9-01



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Reference No.1: 25875.5.2503

Reference No.2: Clerk of SC Appellate Court/Kitchin
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