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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM ORANGEBURG COUNTY
Court of Common Pleas

Edgar W. Dickson, Circuit Court Judge

Case No. 2012-CP-38-0845

RECEIVED
OCT 12 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.

**MOTION FOR THE COURT TO ACCEPT THE
APPELLANTS' INITIAL BRIEF OUT OF TIME**

Pursuant to Rules 240 and 263(b), SCACR, Appellants hereby move this Court to accept for filing out of time the initial brief of appellants and designation of matter to be included in the record on appeal. The initial brief of appellants and designation of matter was due to be filed September 18, 2017.

Appellants' counsel was unexpectedly involved in an 8-day murder trial in late August 2017 (*State v. Pough*) and in a 10-day negligence trial in US District Court in September 2017 (*Machin v. Carus Corp.*). Counsel has also been in the process of winding down his law practice due to his pending employment with the Supreme Court's Office of Disciplinary Counsel (commencing November 1, 2017). Furthermore, Respondents can demonstrate no prejudice from the delay in filing these documents.

The initial brief of appellants and designation of matter to be included in the record

on appeal are conditionally filed with this motion and served on all other parties.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "John S. Nichols", written over a horizontal line.

John S. Nichols, SC Bar # 4210
BLUESTEIN THOMPSON SULLIVAN
Post Office Box 7965
Columbia, South Carolina 29202
(803) 779-7599

October 12, 2017

Attorney for Appellants

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PROOF OF SERVICE

The undersigned hereby certifies that on the date indicated below she served counsel for the Respondents with a copy of the *Motion for the Court to Accept the Brief Out of Time and the conditionally filed Initial Brief of Appellants and Designation of Matter to be Included in the Record on Appeal* by mailing copies of the same by United States Mail with first class postage prepaid to the following addresses:

Tyler L. Arnold
Arnall Golden Gregory, LLP
1626 Jeurgens Ct
Norcross, GA 30093

Jason E. Bring
Arnall Golden Gregory, LLP
171 17th St., NW, Ste. 2100
Atlanta, GA 30363



Erin Bridges

October 12, 2017

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SC Court of Appeals

VIA HAND DELIVERY

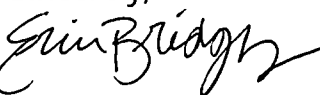
The Honorable Jenny Kitchings
Clerk of Court
South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RE: Ralph C. Williams, Sr., et al v. Patricia A. Johnson, et al
Case Tracking No.: 2017-000963

Dear Ms. Kitchings:

Please find enclosed for filing the original and seven (7) copies of a *Motion for the Court to Accept the Initial Brief of Appellants and Designation of Matter to be Included in the Record on Appeal Out of Time*. Also, please find enclosed the conditionally filed original and one (1) copy of the *Initial Brief of Appellants and Designation of Matter to be Included in the Record on Appeal*. I have also enclosed a proof of service upon counsel for the Respondent and a check in the amount of \$25.00 for filing this motion. Please return the additional filed copies to me via our courier.

Thank you for your attention to this matter. If you have any questions or need any additional information, please do not hesitate to contact me.

Sincerely,

Erin Bridges

/emb

Enclosures

cc: Robert P. Foster, Esquire
Javá O. Warren, Esquire
Tyler L. Arnold, Esquire
Jason E. Bring, Esquire