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THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

**RECEIVED**

OCT 30 2017  
SC Court of Appeals

APPEAL FROM YORK COUNTY  
John C. Hayes, III, Circuit Court Judge

Appellate Case No. 2016-002556  
Case No. 2014-CP-46-1307

Russell Shane Carter, ..... Respondent-Appellant,

v.

Bruce Bryant, as Representative for the Office of the  
York County Sheriff, ..... Appellant-Respondent.

**APPELLANT-RESPONDENT'S MOTION FOR  
EXTENSION TO FILE INITIAL RESPONDENT'S BRIEF**

The Appellant-Respondent Bruce Bryant respectfully moves this Court for an additional five-day extension of time until October 31, 2017, by which to file and serve his Initial Respondent's Brief and Designation of Matter to be Included in the Record on Appeal. The Initial Respondent's Brief of the Appellant-Respondent is currently due to be filed and served on October 26, 2017.


The Appellant-Respondent's motion is based on the following extraordinary circumstances:

The undersigned counsel fully intended to be able to get this brief completed by the current deadline but is now realizing that he will not be able to do so. The delay was caused by an extraordinary schedule the past two weeks including a Brief in Opposition due in the United States Supreme Court, two other appellate briefs due, and a Federal Court Motion for Summary Judgment addressing 23 causes of action due. In addition, a motion hearing on a Motion for Summary Judgment in a state court case declared complex was unexpectedly re-scheduled to October 26, 2017, which is the current due date, and that hearing has put the undersigned behind schedule towards completing the brief by the current deadline.

Counsel for the Respondent-Appellant Russell Shane Carter has been consulted and has consented to the requested extension. (See attached email).

WHEREFORE, the Appellant-Respondent Bruce Bryant respectfully requests that he be allowed until October 31, 2017, by which to file and serve his Initial Respondent's Brief and Designation of Matter to be Included in the Record on Appeal.

DAVIDSON & LINDEMANN, P.A.

BY: 

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ANDREW F. LINDEMANN  
1611 Devonshire Drive  
Post Office Box 8568  
Columbia, South Carolina 29202  
(803) 806-8222

*Counsel for Appellant-Respondent  
Bruce Bryant*

Columbia, South Carolina

October 26, 2017

## Andrew Lindemann

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**From:** John Nichols <[john@bluesteinattorneys.com](mailto:john@bluesteinattorneys.com)>  
**Sent:** Thursday, October 26, 2017 6:47 PM  
**To:** Andrew Lindemann; Erin Bridges  
**Subject:** RE: Carter

By all means! Say we consulted and consent.

John S. Nichols  
Bluestein Attorneys, LLC  
PO Box 7965  
Columbia, SC 29202  
(803) 779-7599  
[john@bluesteinattorneys.com](mailto:john@bluesteinattorneys.com)

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**From:** Andrew Lindemann [<mailto:alindemann@DML-LAW.com>]  
**Sent:** Thursday, October 26, 2017 6:45 PM  
**To:** John Nichols; Erin Bridges  
**Subject:** RE: Carter

John:

I need you to return the favor. I am going to need a few more days on my Initial Respondent's Brief. Will you consent to an extension through Tuesday?

It's due today but I am not going to be able to get it finished.

Thanks.

Andrew

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**From:** Andrew Lindemann  
**Sent:** Wednesday, October 18, 2017 9:25 AM  
**To:** 'John Nichols'; Erin Bridges  
**Subject:** RE: Carter

Sure John. We consent. By the way, congrats on the ODC job.

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**From:** John Nichols [<mailto:john@bluesteinattorneys.com>]  
**Sent:** Wednesday, October 18, 2017 9:13 AM  
**To:** Andrew Lindemann; Erin Bridges  
**Subject:** Carter

Andrew

I'm working on the Carter Respondent's brief, but will need one more extension. As I wind down this is the last brief on my plate. Will you consent to 15 days? Thanks.

John S. Nichols  
Bluestein Attorneys, LLC

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**CERTIFICATE OF SERVICE**

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The undersigned employee of Davidson & Lindemann, P.A., counsel for the Appellant-Respondent, does hereby certify that service of **Appellant-Respondent's Motion for Extension to File Initial Respondent's Brief** in the above-captioned matter was made upon all counsel of record by placing copies in the United States Mail, first class postage prepaid, at the below listed addresses clearly indicated on said envelopes this the 26th day of October 2017:

John S. Nichols, Esquire  
Blake A. Hewitt, Esquire  
Bluestein Nichols Thompson & Delgado, LLC  
Post Office Box 7965  
Columbia, South Carolina 29202

J. Christopher Mills, Esquire  
Post Office Box 8475  
Columbia, South Carolina 29202

Alex T. Postic, Esquire  
1830 Marion Street  
Columbia, South Carolina 29201

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# DAVIDSON & LINDEMANN, P.A.

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October 26, 2017

Of Counsel  
Kenneth P. Woodington

\*Also Admitted In North Carolina  
†Certified Mediator

Writer's Email: [alindemann@dml-law.com](mailto:alindemann@dml-law.com)

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

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RE: Russell Shane Carter v. Bruce Bryant, as Representative for the  
Office of the York County Sheriff  
Appellate Case Number: 2016-002556  
Civil Action Number: 2014-CP-46-1307  
Claim Number: 58922  
Our File Number: 103.9486

Dear Ms. Kitchings:

Please find enclosed for filing the original and seven copies of **Appellant-Respondent's Motion for Extension to File Initial Respondent's Brief** in the above referenced matter. Please file the original and return a clocked-in copy to me by way of my courier. I have also enclosed my firm's \$25.00 check for the filing fee.

By copy of this letter, I am serving copies on all counsel of record. Thank you for your assistance in this matter.

Sincerely,

DAVIDSON & LINDEMANN, P.A.



Andrew F. Lindemann

AFL/  
Enclosures

The Honorable Jenny Abbott Kitchings  
October 26, 2017  
Page Two

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cc: (w/ Enclosure)

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