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THE STATE OF SOUTH CAROLINA
In the Supreme Court

S.C. SUPREME COURT

Appeal from The Administrative Law Court
Ralph King Anderson, III, Chief Administrative Law Judge

Court of Appeals' Order filed October 17, 2017
Court of Appeals Appellate Case No. 2017-002086

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Linso Allen, #269378, Michael Benninger, #264212,
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#235043, Joseph Schmitz, #173987, Arthur Scott,
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v.

South Carolina Department of Corrections, Respondent.

**MOTION BY THE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
TO EXTEND THE DEADLINE BY WHICH IT MAY FILE ITS RETURN
TO THE PETITIONERS' PETITION FOR WRIT OF CERTIORARI**

On December 7, 2017, the undersigned counsel for the Respondent in the above-captioned matter, the South Carolina Department of Corrections ["SCDC"], received the Petitioners' Petition for Writ of Certiorari and Appendix. According to the proof of service accompanying the Petition, the Petitioners' counsel served the Petition and Appendix upon SCDC's undersigned counsel via United States Mail on December 6, 2017.

Consequentially, SCDC's Return to the Petition is, by operation of South Carolina Appellate Court Rule 242(f), due no later than Friday, January 5, 2018.

However, the undersigned counsel for SCDC respectfully moves the Court for an extension of the deadline by which SCDC may file its Return from Friday, January 5, 2018 to no later than Friday, February 2, 2018.

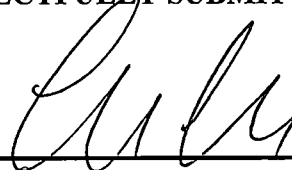
SCDC's undersigned counsel so moves in light of obligations he confronted in other cases pending in federal court, circuit court, and the Administrative Law Court during December 2018. SCDC's undersigned counsel also so moves in light of the recently concluded holiday season.

SCDC's undersigned counsel attempted to communicate with counsel for the Petitioners via telephone on Thursday, January 4, 2018 concerning the proposed extension of the deadline by which to file and serve SCDC's Return. SCDC's undersigned counsel was unable to speak with counsel for the Petitioners, perhaps because the Charleston area, which is the area in which counsel for the Petitioners operates his office, experienced significant snowfall on Wednesday, January 3, 2018.

For clarity's sake, the instant extension motion represents the first occasion upon which SCDC's undersigned counsel has moved the Court to extend the deadline associated with filing SCDC's Return.

Accordingly, SCDC's undersigned counsel respectfully urges this Court to grant his instant motion and, by doing so, extend the deadline by which SCDC may file and serve its Return until Friday, February 2, 2018.

RESPECTFULLY SUBMITTED:



January 4, 2018

Lake E. Summers

Malone, Thompson, Summers & Ott LLC

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Counsel for the South Carolina
Department of Corrections

Counsel for the Respondent:
Douglas H. Westbrook, Esquire

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PROOF OF SERVICE

I certify that I have served the **MOTION BY THE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS TO EXTEND THE DEADLINE BY WHICH IT MAY FILE ITS RETURN TO THE PETITIONERS' PETITION FOR WRIT OF CERTIORARI** on the above named Petitioners by mailing a copy of the same to their counsel of record at the following address:

Douglas H. Westbrook, Esquire
Attorney at Law
23 Broad Street
Charleston, South Carolina 29401

January 4, 2018



LAKE E. SUMMERS