

85961

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED
FEB 22 2018
SC Court of Appeals

Appeal from Charleston County
Court of Common Pleas
R. Markley Dennis, Jr., Circuit Court Judge

Appellate Case No. 2015-001463
Circuit Court Case Nos. 2012-CP-10-2867 and 2011-CP-10-8313

Clair Craver Johnson,		Appellant,
	v.	
John Roberts, M.D.,		Respondent.
And		
Clair Craver Johnson,		Appellant,
	v.	
Medical University of South Carolina,		Respondent.

MOTION FOR EXTENSION OF TIME TO PETITION FOR REHEARING

PIERCE, HERNS, SLOAN & WILSON,
LLC
William P. Early (SC Bar No. 15657)
P.O. Box 22437
Charleston, South Carolina 29413
843-722-7733
Attorneys for Respondent
Medical University of South Carolina

NOW COMES Respondent Medical University of South Carolina (“MUSC”), by and through the undersigned counsel, pursuant to Rule 263(b), SCACR, and, on the grounds set forth below, hereby moves this Honorable Court for an extension of fifteen (15) days’ time to petition for rehearing of this matter, which the Court decided via opinion filed February 7, 2018. *See Johnson v. Roberts*, Op. No. 5535 (S.C. Ct. App. filed February 7, 2018) (Shearhouse Adv. Sh. No. 6 at 72).

1. Rule 221(a), SCACR, provides, “Petitions for rehearing must be actually received by the appellate court no later than fifteen (15) days after the filing of the opinion, order, judgment, or decree of the court.”

2. Based on the February 7, 2018, filing date of the Court’s opinion, the present deadline to petition for rehearing of this matter is the close of business tomorrow, Thursday, February 22, 2018, which, pursuant to Rule 263(a), SCACR (regarding computation of time), will be the 15th day after the filing of the opinion.


3. On account of work-related and other time commitments, the undersigned requests that the present deadline to petition for rehearing be extended by 15 days, i.e., from Thursday, February 22, 2018, to Friday, March 9, 2018.

4. The undersigned submits that, under the circumstances, there exists good cause for the Court to grant the relief requested herein, such relief constituting a reasonable dispensation, timely sought, consistent with the interests of justice, and posing no threat of undue prejudice to any other party.

WHEREFORE, MUSC requests that the Court grant a 15-day extension of the deadline to petition for rehearing in this matter, i.e., an extension of the deadline to petition for rehearing to March 9, 2018. ADDITIONALLY, MUSC requests that the Court hold the present deadline to

petition for rehearing in abeyance (and not send down the remittitur) until the Court acts on this motion.

Respectfully submitted,
PIERCE, HERNS, SLOAN & WILSON,
LLC

By: 

William P. Early (SC Bar No. 15657)
P.O. Box 22437
Charleston, South Carolina 29413
843-722-7733

*Attorneys for Respondent
Medical University of South Carolina*

Charleston, South Carolina

Dated: Feb. 21, 2018

PIERCE, HERNS, SLOAN & WILSON, LLC

ATTORNEYS AND COUNSELORS AT LAW

THE BLAKE HOUSE • 321 EAST BAY STREET
CHARLESTON, SOUTH CAROLINA 29401

POST OFFICE BOX 22437
CHARLESTON, SOUTH CAROLINA 29413

(843) 722-7733
(843) 722-7732 FAX
www.phswlaw.com

M. TODD RAINSFORD
CHRISTINA L. PERRIN
BENJAMIN C. SMOOT, II ✉
J. MORGAN FORRESTER
T.A.C. HARGROVE II

✉ MEMBER SC & VA BAR

CARL E. PIERCE, II
LOUIS P. HERNS
ALLAN P. SLOAN, III ✪✪
JOSEPH C. WILSON, IV †
JAMES G. KENNEDY
WILLIAM P. EARLY ●
SONALY K. HENDRICKS †
GREGG MEYERS ▲
* MEMBER SC & FL BAR
◆ CERTIFIED SC CIRCUIT
COURT MEDIATOR
† MEMBER SC, FL & GA BAR
‡ SPECIAL COUNSEL
▲ OF COUNSEL
● MEMBER SC & TN BAR

Direct Dial: (843) 725-7716
E-mail: willearly@phswlaw.com

February 21, 2018

Via Federal Express, Next Business Morning Delivery:

Jenny Abbott Kitchings, Clerk of Court
South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29211

RECEIVED
FEB 22 2018
SC Court of Appeals

Re: Clair Craver Johnson v. John Roberts, MD
Clair Craver Johnson v. Medical University of South Carolina
Appellate Case No. 2015-001463
Case No. 2012-CP-10-2867
PHSW File No. D2286.00

Dear Ms. Kitchings:

Enclosed please find the original and seven (7) copies of a Motion for Extension of Time to Petition for Rehearing and original and one (1) copy of the Proof of Service for same and our firm's check in the amount of \$25.00 for the motion fee, concerning the above matter.

Please file the originals and return a filed copy of each to my office in the enclosed, stamped envelope.

Thank you for your assistance in this matter.

With kind regards, I am,

Sincerely,



William P. Early

WPE/mkg

✓

cc: all counsel of record (w/ encl.)

FedEx Express **NEW Package**
US Airbill

FedEx
Tracking
Number

8992 6674 9533

Form
ID No.

0215

Recipient's Copy

1 From

Date

2/21/10

FedEx
Tracking Number

899266749533

Sender's
Name

Phone 843 722-7733

Company

PIERCE HERNS SLOAN WILSON

Address

321 E BAY ST

Dept./Floor/Suite/Room

City

CHARLESTON

State

SC

ZIP

29401-1680

2 Your Internal Billing Reference

D220000

3 To

Recipient's
Name

Jenny Abbott Kirshings

Phone

803 734-1890

Company

SC Court of Appeals

Address

1220 Senate Street

We cannot deliver to P.O. boxes or P.O. ZIP codes.

Dept./Floor/Suite/Room

Address

Use this line for the HOLD location address or for continuation of your shipping address.

City

Columbia

State

SC

ZIP

29211

0445108468

HOLD Weekday
FedEx location address
REQUIRED, NOT available for
FedEx First Overnight.

HOLD Saturday
FedEx location address
REQUIRED, Available ONLY for
FedEx Priority Overnight and
FedEx 2Day to select locations.

4 Express Package Service

* To most locations.
NOTE: Service order has changed. Please select carefully.

Packages up to 150 lbs.
For packages over 150 lbs., use the new
FedEx Express Freight US Airbill.

Next Business Day

FedEx First Overnight
Earliest next business morning delivery to select
locations. Friday shipments will be delivered on
Monday unless SATURDAY Delivery is selected.

FedEx Priority Overnight
Next business morning.* Friday shipments will be
delivered on Monday unless SATURDAY Delivery
is selected.

FedEx Standard Overnight
Next business afternoon.*
Saturday Delivery NOT available.

2 or 3 Business Days

NEW FedEx 2Day A.M.
Second business morning.*
Saturday Delivery NOT available.

FedEx 2Day
Second business afternoon.* Thursday shipments
will be delivered on Monday unless SATURDAY
Delivery is selected.

FedEx Express Saver
Third business day.*
Saturday Delivery NOT available.

5 Packaging * Declared value limit \$500.

FedEx Envelope* FedEx Pak* FedEx Box FedEx Tube Other

6 Special Handling and Delivery Signature Options

SATURDAY Delivery
NOT available for FedEx Standard Overnight, FedEx 2Day A.M., or FedEx Express Saver.

No Signature Required
Package may be left without
obtaining a signature for delivery.

Direct Signature
Someone at recipient's address
may sign for delivery. *Fee applies.*

Indirect Signature
If no one is available at recipient's
address, someone at a neighboring
address may sign for delivery. For
residential deliveries only. *Fee applies.*

Does this shipment contain dangerous goods?

No **Yes** **Yes**
As per attached Shipper's Declaration. Shipper's Declaration not required.

Dangerous goods (including dry ice) cannot be shipped in FedEx packaging or placed in a FedEx Express Drop Box.

Dry Ice
Dry Ice, 8, UN 1845 _____ x _____ kg

Cargo Aircraft Only

7 Payment Bill to:

Enter FedEx Acct. No. or Credit Card No. below.

Obtain recip.
Acct. No.

Sender Acct. No. in Section 7 will be billed. Recipient Third Party Credit Card Cash/Check

Total Packages Total Weight

Credit Card Auth.

*Our liability is limited to \$100 unless you declare a higher value. See the current FedEx Service Guide for details.

611

fedex.com 1.800.GoFedEx 1.800.463.3339

fedex.com 1.800.GoFedEx 1.800.463.3339



8992 6674 9533