

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

The Honorable DeAndrea G. Benjamin, Circuit Court Judge

Opinion No. 5523 (S.C. Ct. App. filed November 22, 2017)

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MAR 15 2018
SC Court of Appeals

Edwin M. Smith, Jr., PETITIONER,

v.

David Fedor,RESPONDENT.

**PETITIONER’S MOTION
FOR EXTENSION OF TIME**

Pursuant to South Carolina Appellate Court Rules 242(c) and 263(b), Petitioner Edwin M. Smith, Jr. (“Petitioner”), moves for an extension of ten (10) days from the existing deadline of March 26, 2018 to file his Petition for Writ of Certiorari.

The Court of Appeals filed its Order denying Petitioner’s Petition for Rehearing *En Banc* on February 23, 2018. The undersigned counsel for Petitioner had shoulder replacement surgery on October 20, 2017. On January 10, 2018, the undersigned counsel had total knee replacement surgery. Both surgeries have required the undersigned to go through recovery and undergo extensive post-surgery rehabilitation therapy and treatment. As a result Petitioner’s undersigned counsel was not able to return to the office for work until February 22, 2018, and then only on a sometime part-time basis. Though Petitioner’s undersigned counsel is making a gradual recovery, he is still not able

to work full-time as of this date. As a result Petitioner through his undersigned counsel respectively requests a ten (10) day extension to file his Petition for Writ of Certiorari and Appendix.

This is Petitioner's first extension request to file his Petition for Writ of Certiorari and Appendix and is based on good cause and not intended for purposes of delay, nor will the requested extension prejudice the rights of any party.

If the ten (10) day extension is granted, Petitioner's Petition for Writ of Certiorari and Appendix will be due by April 5, 2018.

For the reasons set forth herein, Petitioner requests a ten (10) day extension to April 5, 2018 to serve and file his Petition for Writ of Certiorari and Appendix.

Respectfully submitted,

THE GILREATH LAW FIRM, P.A.



James R. Gilreath (S.C. Bar #02133)
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Attorneys for Petitioner Edwin M. Smith, Jr.

March 14, 2018
Greenville, South Carolina.

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EDWIN M. SMITH, JR. PETITIONER,

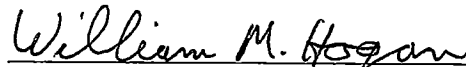
vs.

DAVID FEDOR,RESPONDENT.

PROOF OF SERVICE

This is to certify that I have this day served counsel for the Respondent in the foregoing matter with a copy of the **Petitioner's Motion for Extension of Time and cover letters to the Honorable Daniel E. Shearouse, Clerk of the Supreme Court, and the Honorable Jenny Abbott Kitchings, Clerk of the Court of Appeals** by depositing same in the United States Mail with adequate postage affixed thereon to ensure delivery, addressed as follows to:

Katherine Carruth Goode, Esquire
229 S. Congress Street
P.O. Box 1175
Winnsboro, South Carolina 29180


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ATTORNEYS FOR PETITIONER

March 14, 2018
Greenville, South Carolina.

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SC Court of Appeals

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March 14, 2018

VIA FEDERAL EXPRESS

Honorable Daniel E. Shearouse
Clerk of Court, Supreme Court of South Carolina
Attn: Linda Allen
Supreme Court Building
1231 Gervais Street
Columbia, South Carolina 29201

RECEIVED
MAR 15 2018
SC Court of Appeals

RE: *Edwin M Smith, Jr. v. David Fedor*
Court of Appeals Appellate Case No.: 2014-001826
Petitioner's Request for Extension of Time to file Petition for Writ of Certiorari

Dear Mr. Shearouse:

Counsel for Petitioner in the above matter, Edwin M. Smith, Jr. ("Petitioner"), hereby requests an extension of ten (10) days from the existing deadline of March 26, 2018 to file a Petition for Writ of Certiorari and Appendix with the Supreme Court. Enclosed is Petitioner's Motion for Extension of Time. Also enclosed is our check in the amount of \$25 for this extension request.

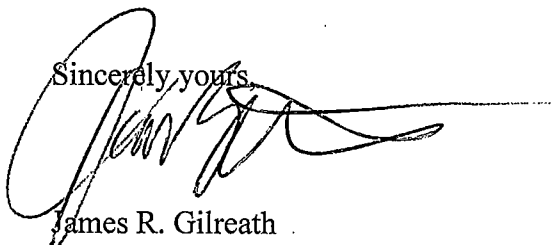
This is the undersigned counsel for Petitioner's first extension request before this Court in this case. For the medical related reasons set forth in the Petitioner's Motion for Extension of Time, I respectfully request an extension of ten (10) days to file Petition for Writ of Certiorari.

If the ten (10) day extension is granted, Petitioner's Petition for Writ of Certiorari will be due on April 5, 2018.

If there is anything further needed at this time, please let me know.

With best regards, I remain.

Sincerely yours,



James R. Gilreath

JRG/kmk
Enclosures

Honorable Daniel E. Shearouse

Page 2

March 14, 2018

cc: Katherine Goode, Esquire (w/enclosures)
Honorable Jenny Abbott Kitchings, Clerk of Court of Appeals (w/enclosures)

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March 14, 2018

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VIA FEDERAL EXPRESS

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201

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MAR 15 2018

SC Court of Appeals

RE: *Edwin M. Smith, Jr. v. David Fedor*
Court of Appeals Case No. 2014-001826

Dear Ms. Kitchings:

Enclosed please find a copy of the Petitioner's Motion for Extension of Time and cover letter that the Petitioner/Appellant Edwin M. Smith, Jr. is filing with the South Carolina Supreme Court to request a ten (10) day extension to file his Petition for Writ of Certiorari.

If you have any questions or need anything further, please let me know.

With best regards, I remain.

Sincerely yours,

James R. Gilreath

James R. Gilreath

by William M. Hogan

JRG/kmk

Enclosures

cc: Katherine Goode, Esquire (w/enclosures)

✓

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TO HON. JENNY ABBOTT KITCHINGS
SOUTH CAROLINA COURT OF APPEALS
1220 SENATE ST

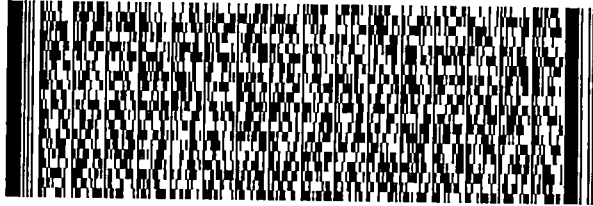
COLUMBIA SC 29201

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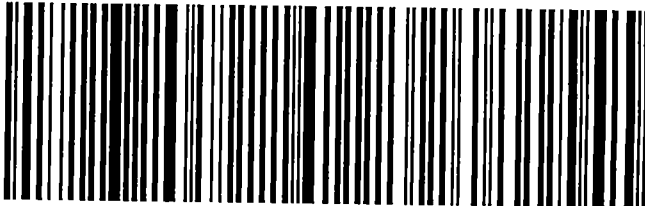
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