

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM OCONEE COUNTY
In The Circuit Court

Honorable R. Lawton McIntosh, Circuit Court Judge

RECEIVED

Appeal No.: 2017-002564

JUN 05 2018

SC Court of Appeals

Martha "Linda" Lusk, Ph.D.....Appellant

v.

Jami L. Verderosa.....Respondent

**PETITION FOR EXTENSION AND
TO ACCEPT BRIEF OUT OF TIME**

The undersigned attorney, on behalf of the Appellant, for good cause shown petitions this Court to grant Appellant an extension pursuant to SCRPC 263(b) until April 24, 2018, for Appellant to file her final brief and serve the same on counsel of record.

As grounds for this Motion, Appellant's counsel asserts that she has a total knee replacement scheduled for June 18, 2018. As a result of the scheduled surgery, in addition to the numerous protection requests required to be filed, because of her prior renal carcinoma Appellant's counsel has had to undergo extensive preoperative appointments such as magnetic resonance imaging (MRI), chest and leg xrays, vascular ultrasounds, weekly blood work and an electrocardiogram. Needless to say, these matters have taken her out of the office an inordinate amount of time. Because of the scheduled protection for the upcoming surgery, a number of hearings, depositions and other matters have also had to be condensed into a very short period of time, thus causing an extraordinarily busy schedule.

While Appellant's counsel was out of the office, the due date for the Final Brief was miscalendared due as of the April 27, 2018 (30 days from March 28, 2018), instead of by April 17, 2018 (20 days from March 28, 2018). As a result, the brief was erroneously not timely filed.

Unfortunately, the undersigned did not receive the Clerk's April 27, 2018 letter but contacted the Court after receiving the Clerk's March 25, 2018 letter and was instructed how to log into the C-Track Public Access system to retrieve the April 27, 2018 and make the appropriate corrections required. Appellant's counsel has now made those corrections and prays this Court for good cause shown this Court accept her Initial Brief out of time and grant an extension until April 24, 2018, for it to be filed by U.S. Mail.

Due to time constraints as a result of the Memorial Day Holiday and the necessity for filing these items, Appellant's Counsel was unable to consult with Counsel for Respondent regarding this Motion.



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June 4, 2018

Attorney for Appellant

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PROOF OF SERVICE

I certify that on June 4, 2018, I filed an original and six (6) copies Appellant's Motion to Accept Brief Out of Time, by depositing a copy of it in an envelope via the United States First Class, Priority Mail on June 4, 2018 addressed to:

The Honorable Jenny Abbott Kitchings
P.O. Box 11629
Columbia, SC 29211

I further certify that I served a copy of the same on Jami L. Verderosa, by depositing a copy of it in an envelope via the United States Mail, Certified Mail, Return Receipt Requested, with proper postage affixed thereto, on June 4, 2018, addressed to her attorneys of record:

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June 4, 2018

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