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THE STATE OF SOUTH CAROLINA
In the Supreme Court

S.C. SUPREME COURT

APPEAL FROM THE ADMINISTRATIVE LAW COURT

The Honorable H.W. Funderburk, Jr., Administrative Law Judge

Appellate Case No. 2017-000545

Melissa Spalt..... Respondent,

v.

South Carolina Department of Motor Vehicles and
South Carolina Department of Public Safety..... Petitioner,

Of Whom the South Carolina Department of Motor Vehicles is the Petitioner.

**Request for an Extension to Serve and File Reply to
Return to the Petition for Writ of Certiorari**

Pursuant to Rule 240, SCACR, the South Carolina Department of Motor Vehicles (hereinafter, "SCDMV") requests permission to file SCDMV's Reply to Return to the Petition for Writ of Certiorari (hereinafter, "Reply") by no later than Friday, May 5, 2017. The reasons for this request are:

1) Although the Return to Petition for Writ of Certiorari (hereinafter, "Return") and Proof of Service for the same are dated April 18, 2017, the envelope containing these documents was post marked April 21, 2017.

2) April 21, 2017 was a Friday. It is well-known that state government offices, including the SCDMV Headquarters, are typically closed on Saturdays and Sundays. SCDMV Headquarters was closed on April 22-23, 2017.

3) Despite the April 21, 2017 post mark and the post mark stating these documents were mailed from zip code 29210 (which is the Irmo area), SCDMV did not receive the Return until today, Wednesday, April 26, 2017 (Exhibit A).

4) It appears, based on the filing of the Return contained on C-Track, that Respondent filed her Return with the South Carolina Supreme Court in person on April 21, 2017.

Due to the varying dates contained within: 1) the Return; 2) the Proof of Service for the same; 3) the envelope containing the Return received by SCDMV; and 4) the filing date of the Return with the South Carolina Supreme Court, the SCDMV is unclear about what date will be considered the “date of service” of the Return for purposes of Rule 242, (g), SCACR. Moreover, SCDMV asserts that it would be patently unfair for SCDMV to only have 2 ½ days to research, draft, edit, and finalize preparation of its’ Reply.

For the reasons stated above, the SCDMV requests that this Court allow SCDMV to file its’ Reply by no later than Friday, May 5, 2017.

[SIGNATURE ON THE FOLLOWING PAGE]

A handwritten signature in black ink, appearing to be the initials 'BDD' with a stylized flourish.

Respectfully Submitted,



Brandy A. Duncan, SC Bar # 72052

Assistant General Counsel

Philip S. Porter, SC Bar # 4526

Deputy General Counsel

Frank L. Valenta, Jr., SC Bar # 5682

General Counsel

South Carolina Department of Motor Vehicles

10311 Wilson Boulevard

Post Office Box 1498

Blythewood, South Carolina 29016-0020

Telephone: (803) 896-9900

Facsimile: (803) 896-9901

Attorneys for the Respondents

April 26, 2017

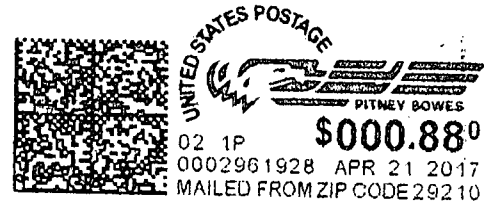
EXHIBIT A

THE LAUBSHIRE LAW FIRM, LLC

455 St. Andrews Road, Suite E-1
Columbia, SC 29210-4487

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South Carolina Department of Motor Vehicles
10311 Wilson Boulevard
Post Office Box 1498
Blythewood, SC 29016



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Case No. 2017-000545

Melissa Spalt.....Respondent,

v.

South Carolina Department of Motor Vehicles and
South Carolina Department of Public Safety.....Petitioner,

Of Whom the South Carolina Department of Motor Vehicles is the Petitioner,

PROOF OF SERVICE

I HEREBY CERTIFY that I have served the Respondent's Return to Writ of Certiorari by depositing a copy of it in the United States Mail, postage prepaid, on the 13th day of April, 2017, addressed to the attorney for the Petitioner as follows:

Frank L. Valenta, Jr.
General Counsel
Philip S. Porter
Deputy General Counsel
Brandy A. Duncan
South Carolina Department of Motor Vehicles
10311 Wilson Boulevard
Post Office Box 1498
Blythewood, SC 29016-0020

Victoria L. Ford, Paralegal
The Laubshire Law Firm

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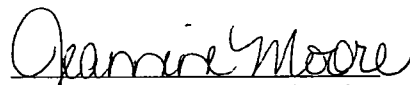
South Carolina Department of Motor Vehicles and
South Carolina Department of Public Safety.....Petitioner,

Of Whom the South Carolina Department of Motor Vehicles is the Petitioner.

PROOF OF SERVICE

I HEREBY CERTIFY that I have served *Petitioner's Request for an Extension to Serve and File Reply to Return to the Petition for Writ of Certiorari* by depositing a copy of it in the United States Mail, postage prepaid, on the 26th day of April, 2017, addressed to the attorney for the Respondent as follows:

Michael Laubshire, Esquire
455 Saint Andrews Road, Suite E-1
Columbia, South Carolina 29210


Jeannine Moore, Paralegal
S.C. Department Motor Vehicles