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THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

R. Ferrell Cothran, Jr., Circuit Court Judge

APPELLATE CASE NO. 2017-000902

Daniel O'Shields And Roger W.  
Whitley, A Partnership d/b/a O&W Cars,

Appellants

v.

Columbia Automotive Company,  
LLC d/b/a Midlands Honda,

Respondent.

**RECEIVED**  
AUG 30 2018  
SC Court of Appeals

Motion for Extension of Time

Appellants respectfully request a 20-day extension from today's date in which to file their Initial Reply Brief, which is otherwise due today. This is Appellants' fourth request for an extension of time in this matter. On June 23rd, I mailed Appellants' third request for an extension of time, citing the time involved in struggling to keep my dog (Butch) alive. Butch seemed to be recovering at that point. On June 24th, I brought Butch to his local veterinarian due to loss of appetite. Butch was provided IV fluids and a new food, and ate heartily. On June 25th, I called the local veterinarian again. Based on Butch's symptoms, the local vet called a veterinary specialty hospital, a different one than Butch had been going to, and set an appointment for that same day. Butch was hospitalized, and on the 27th, I was informed that the meningitis/encephalitis now appeared to be meningioma. Meningioma was described as a relatively benign cancer. Butch was discharged on the 28th. Butch was brought back to the hospital on the 29th because he seemed to be in pain for hours. That was diagnosed as acid

reflux, likely caused by perforations in his sphincter in turn caused by the megaesophagus which prevented the esophagus from closing and which had led to three recent bouts of aspiration pneumonia. Butch was prescribed a medicine to solve that problem. The medicine had to be given three times a day, two hours after and an hour before other food. Given his other medicine and his need for three meals a day to reduce the chance of regurgitation caused by Butch's megaesophagus, Butch had to be fed or administered oral medicines, in an upright position, and maintained in an upright position afterwards, seven times a day. He had to be allotted two hours between these events so that each would be on a relatively empty stomach.

Butch was brought back for an outpatient visit two days later, on the 31st, with similar symptoms and was provided an additional medicine. On August 1, Butch had a seizure and was brought to the hospital. While at the hospital, I was informed via telephone by the neurologist that the cancer would likely kill Butch in three to six months unless radiotherapy was used. The hospital offered to set up a consultation with the nearest radiotherapy facility, which is in Columbia. I agreed and brought Butch home. The national company associated with the Columbia facility informed me the same day that they would be able to do an initial evaluation the next day as to whether Butch was a potential candidate, based on records, including MRI and X-rays, to be forwarded by the two specialty hospitals in the Charleston area that had been treating Butch. The treatment was to be a relatively new technique called Stereo Radio Surgery, which uses MRI data and requires only three treatments rather than the ten or more required by traditional radiotherapy. On August 2, Butch had another seizure. I was also informed that day that the initial evaluation as to Butch's potential suitability for the Stereo Radio Surgery would not be completed until the following day, Friday August 3.

By that Friday, the treatment for his acid reflux seemed to be working, and the improved device to keep Butch vertical during and after eating and oral medicines seemed successful in ending the regurgitating and the resulting pneumonias. But Butch seemed to be getting weaker, and was often unable to walk without assistance. That same day, I was informed that the results of the initial evaluation of Butch as a candidate for the Stereo Radio Surgery would not be available until Monday.

Saturday night/Sunday morning, just after midnight, with Butch refusing to eat or drink, and having been unable to walk even with the assistance of a sling all day, and appearing to have symptoms of the vestibular (balance) disorder associated with the meningitis/encephalitis, I returned Butch to the hospital. Butch was taken in-patient and his prednisone, which fights the causes of that disorder, was markedly increased. He did not improve. Monday morning, I received the video via which the Stereo Radio Surgery hospital analyzed Butch's condition and explained the possible side effects. I called them and was informed that their next opening for a full evaluation, which requires the presence of the dog at the Columbia hospital, would be a week later. However, if I were to bring Butch up to their emergency room, he could be admitted to the ER and then would receive the full evaluation for the Stereo Radio Surgery the next morning. I was at the Charleston-area hospital visiting Butch at that point, and immediately instructed the hospital to prepare Butch for discharge. I was soon informed that the Columbia facility wanted him to wait until the next day so that another oncologist could review Butch's data and they could consider the results of a Central Spinal Fluid test.

Butch remained in the Charleston hospital. Early that evening, Butch had breathing irregularities that were life-threatening. The next morning, August 7, the Columbia facility informed me that Butch was not a candidate for their treatment, as he had multiple tumors, the

facility had no experience with multiple tumors, and did not have an oncologist on staff – they ran the treatment with an oncologist consulting remotely.

That afternoon, at my request, the Charleston hospital called NC State – Raleigh veterinary hospital, which also performs Stereo Radio Surgery, and agreed to do an initial evaluation based on Butch’s medical records and images, including x-rays and MRIs. That evening, NC State said that Butch was not a candidate, as his disease was too advanced, and he was too old. They also could not see him until Monday and did not think he would survive until Monday. The veterinarian leading his care at the Charleston hospital informed me that Butch could no longer swallow, which meant that even in an upright position, he could no longer eat, and that she, too, believed Butch would not last until Monday even with heroic measures. There was no realistic hope that he could ever eat or walk again.

The following evening, August 8, Butch was euthanized at home.

The pet cemetery in Goose Creek came and got his body. On Saturday, August 11, a friend and I dug a grave in my yard, went and got Butch’s body, and brought Butch home.

Butch is like family to me. He is the only family I have. I am grieving and would appreciate some more time.

I have communicated with counsel for Respondent, who consents to this motion.

Respectfully submitted,

August 20, 2018



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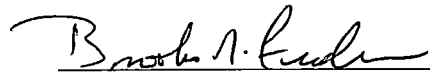
Columbia Automotive Company,  
LLC d/b/a Midlands Honda,

Respondent.

PROOF OF SERVICE

I certify that I have served the foregoing Motion to Extend Time on Columbia Automotive Company, LLC d/b/a Midlands Honda by depositing a copy of it in the United States Mail, postage prepaid, on today's date, addressed to its attorney of record Harry Clayton Walker Jr., Esq., Haynsworth Sinkler Boyd, PA, PO Box 11889, Columbia, SC 29211-1889.

8/20/2018



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**RECEIVED**  
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SC Court of Appeals

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

RE: Daniel O'Shields and Roger W. Whitley A Partnership d/b/a O&W Cars v. Columbia  
Automotive Company, LLC d/b/a Midlands Honda  
Appellate Case No. 2017-000902

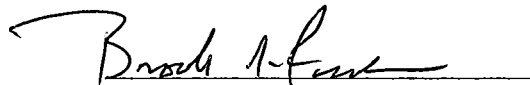
Dear Ms. Kitchings:

Please find enclosed:

- \* an original and seven (7) copies of a Motion to Extend Time in this case,
- \* an original proof of service regarding the same,
- \* a check in the amount of \$25.00 as the filing fee, and
- \* a self-addressed, stamped envelope.

I would ask that you return a stamped copy of the motion in the enclosed self-addressed envelope.

Sincerely,



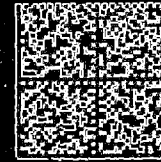
Brooks R. Fudenberg  
Law Office of Brooks R. Fudenberg LLC  
Attorney for Appellants

cc: Harry Clayton Walker Jr., Esq.  
Sarah P. Spruill, Esq.

Robert Reibold, Esq.  
C. Steven Moskos, Esq

James Y. Becker, Esq.

✓



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**Jeanette W. McBride**  
CLERK OF COURT  
RICHLAND COUNTY  
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Return to sender if not  
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