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SEP 19 2018

S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Thomas L. Hughston, Jr., Circuit Court Judge

Circuit Court Case No. 2009-CP-10-3010
Appellate Case No. 2018-000662

Ex parte:

John Hughes Cooper..... Appellant,

Betty Fisher and Lisa Fisher..... Plaintiffs,

v.

Bessie Huckabee, Kay..... Respondents.

Passailaigue Slade, and

Sandra Byrd,

In the Matter of the Estate of

Alice Shaw-Baker.

**MOTION TO AMEND
INITIAL BRIEF OF RESPONDENTS**

Respondents respectfully move this Court for leave to amend their Initial Brief.

Respondents' motion is based on the following grounds:

1. By Order dated August 2, 2018, this Court set an expedited identical briefing schedule in the following cases:

- a. Appellate Case No. 2018-000662

b. Appellate Case No. 2018-000566

c. Appellate Case No. 2017-000743

2. The Court's Order further specifies that no extensions will be granted absent a showing of extraordinary circumstances.

3. Respondents' Initial Briefs in Appellate Case Nos. 2018-000662 and 2018-000566 were due to be filed and served on September 11, 2018.

4. At or around 1:00 p.m. on Monday, September 10, 2018, Governor Henry McMaster declared a state of emergency and ordered a mandatory evacuation of coastal cities in South Carolina due to dangerous weather conditions related to hurricane Florence.

5. Attorneys for the Respondents in each case reside in Charleston and Folly Beach, South Carolina, and were subject to the mandatory evacuation.

6. On the day before the due date for Respondents' Initial Briefs and Designation of Matter to be Included in the Record, and Respondent's Brief on the Merits counsel for Respondents were interrupted in their drafting by the necessity to make preparations for the hurricane and evacuation.

7. Further, local post offices and government buildings in the Charleston and Folly Beach area were to close on September 11th due to the hurricane and evacuation.

8. To ensure their briefs were placed in the mail by the due date, counsel for Respondents were required to hastily mail the briefs in an un-edited, un-finalized state.

9. In light of the above, on September 10, 2018, prior to the filing deadline for Respondents Initial Brief and Designation of Matter to be Included in the Record, and Respondents' Brief on the Merits, counsel for Respondents, out of an abundance of caution, filed motions for extension of time to file.

10. Prior to hearing from the Court with regard to their motions for extension to file, counsel for Respondents, mailed their briefs and served them on the Appellants in each case.

WHEREFORE, the Respondents respectfully request that have the to amend their Initial Briefs in Appeal in Appellate Case Nos. 2018-000662 and 2018-000566.

Respectfully submitted,



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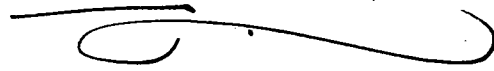
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PROOF OF SERVICE

I certify that I have served the enclosed Respondents' Amended Initial Brief and Designation of Matter to be Included in the Record by depositing a copy in the United States Mail, postage prepaid, on September 11, 2018, addressed to Barbara Seymour, Esq., 1612 Marion Street, Suite 200, Columbia, SC 29201-2939, and by e-mailing a copy to her.

LAW OFFICE OF
W. WESTBROOK WILLS III



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