

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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SEP 28 2018
SC Court of Appeals

APPEAL FROM THE SOUTH CAROLINA ADMINISTRATIVE LAW COURT

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

Appellate Case No. 2018-001325

William Ray Ward, #91566 Respondent/Appellant,

v.

South Carolina Department of Corrections Appellant/Respondent.

**SCDC's SECOND MOTION FOR AN EXTENSION OF THE
DEADLINE BY WHICH IT MAY FILE ITS INITIAL BRIEF
AND DESIGNATION OF MATTER**

For the reasons stated below, the Appellant/Respondent, the South Carolina Department of Corrections ["SCDC"], by and through its undersigned counsel, again respectfully moves the Court for an extension of the deadline by which it may file its initial brief and designation of matter to be included in the record on appeal in the instant case.

By an order issued August 30, 2018, the Court granted the first extension motion filed by SCDC's undersigned counsel, and, by doing so, the Court established a September 28, 2018 deadline by which SCDC must file its initial brief and designation of matter.

By his instant motion, however, SCDC's undersigned counsel respectfully moves the Court to extend the deadline for filing SCDC's brief and designation of matter from Friday, September 28, 2018 to Friday, October 19, 2018.

SCDC's undersigned counsel so respectfully moves in light of obligations he recently confronted and still confronts in other matters.

For example, in a matter pending in federal court and styled as *Jordan v. S.C. Dep't of Trans.*, C/A No. 3:17-00096-MGL-SVH, SCDC's undersigned counsel faces a deadline of Wednesday, October 3, 2018 by which to file a reply to the memorandum in opposition filed by the plaintiff to the defendant's summary judgment motion. The plaintiff in *Jordan* filed his memorandum in opposition on September 26, 2018.

In another matter pending in federal court, styled as *Wilson v. Univ. of S. Carolina, et al.*, C/A No. 3:17-00447-MGL-TER, SCDC's undersigned counsel filed the Defendants' summary judgment motion on September 10, 2018. Pursuant to a scheduling order issued September 25, 2018, the plaintiff's counsel faces an October 8, 2018 deadline by which to file the plaintiff's memorandum in opposition to the defendants' summary judgment motion, and SCDC's undersigned counsel anticipates he will face a mid-October 2018 deadline by which to file the defendants' reply.

SCDC's undersigned counsel appeared in circuit court for Richland County on Tuesday, September 25, 2018 at a hearing regarding the dispositive motion he filed on behalf of one of the defendants in the matter styled as *Robinson v. State of South Carolina, et al.*, C/A No. 2017-CP-40-5602.

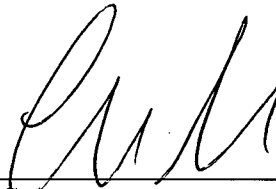
SCDC's undersigned counsel appeared at depositions on September 18 and 19, 2018 in another matter pending in circuit court for Richland County styled as *Singleton v. S.C. Dep't of Corr.*, C/A No. 2017-CP-40-7176.

Finally, the schedule of SCDC's undersigned counsel was impacted by the closure of state offices in Richland County from September 11 through 14, 2018 due to Hurricane Florence.

SCDC's undersigned counsel transmitted his intent to seek the extension requested within the instant motion via electronic mail to Mr. Ward's counsel on September 27, 2018, and Mr. Ward's counsel, by reply electronic mail, again graciously consented to the proposed extension.

Thus, for the foregoing reasons, SCDC's undersigned counsel respectfully urges this Court to grant his instant motion, and, accordingly, SCDC's undersigned counsel respectfully urges this Court to extend the deadline by which SCDC must file its initial brief and designation of matter until Friday, October 19, 2018.

RESPECTFULLY SUBMITTED:



September 28, 2018

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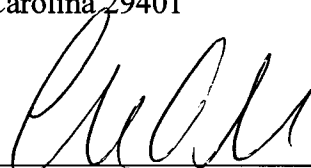
v.

South Carolina Department of Corrections Appellant/Respondent.

PROOF OF SERVICE

I certify that I have served the Appellant/Respondent's **SECOND MOTION FOR AN EXTENSION OF THE DEADLINE BY WHICH IT MAY FILE ITS INITIAL BRIEF AND DESIGNATION OF MATTER** on the above-named Respondent/Appellant by depositing a copy of it in the United States Mail, First Class Postage Pre-Paid, to the Respondent's Counsel addressed as follows:

Julius H. Hines, Esquire
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September 28, 2018

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