

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE SOUTH CAROLINA ADMINISTRATIVE LAW COURT

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

Appellate Case No. 2018-001321

James Nathaniel Allen, #171214 Respondent,

v.

South Carolina Department of Corrections Appellant.

**APPELLANT'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, 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 20, 2018, the Court granted the first extension motion filed by the Appellant's undersigned counsel, and, by doing so, the Court established an October 2, 2018 deadline by which SCDC must file its initial brief and designation of matter.

By his instant motion, however, the Appellant's undersigned counsel respectfully moves the Court to extend the deadline for filing SCDC's brief and designation of matter from Tuesday, October 2, 2018 to Tuesday, October 23, 2018.

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The Appellant's undersigned counsel so respectfully moves in light of obligations he both confronts in other matters and he recently confronted in other matters as detailed immediately below.

The Appellant's counsel faces an October 19, 2018 to file SCDC's initial brief and designation of matter in a related case pending before this Court and styled as *William Ray Ward, #91566, v. S.C. Dep't of Corr.*, Appellate Case No. 2018-001325.

The Appellant's undersigned counsel is scheduled to participate in mediation on Thursday, October 4, 2018 on behalf of the defendants' in a matter pending in federal court and styled as *McAllister v. Univ. of S. Carolina, et al.*, C/A No. 3:17-2724-TLW-KDW.

Upon the conclusion of mediation in *McAllister*, he Appellant's undersigned counsel is traveling out-of-state on a long-planned family trip from Thursday evening, October 4, 2018 through Sunday evening, October 7, 2018.

In another matter pending in federal court and styled as *Jordan v. S.C. Dep't of Trans.*, C/A No. 3:17-00096-MGL-SVH, the Appellant'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 response to the defendants' summary judgment motion, supporting memorandum of law, and allied exhibits filed August 27, 2018 by the Appellant's undersigned counsel. On August 31, 2018, the parties submitted the case to mediation, but they were not able to resolve the dispute.

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, the Appellant'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 in *Wilson* faces an October 8, 2018 deadline by which to file the plaintiff's memorandum in opposition to the defendants' summary judgment motion, and the Appellant's undersigned counsel anticipates facing mid-October 2018 deadline by which to file the defendants' reply.

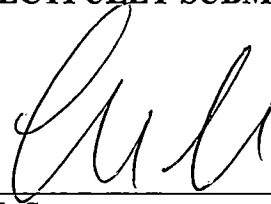
The Appellant's undersigned counsel appeared in circuit court for Richland County on Tuesday, September 25, 2018 at a hearing regarding the dispositive motion he filed on behalf of one of the defendants in the matter styled as *Robinson v. State of South Carolina, et al.*, C/A No. 2017-CP-40-5602. After the circuit court granted his motion, the Appellant's undersigned counsel prepared a proposed order, and he submitted the proposed order to the circuit court on September 28, 2018.

The Appellant'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.

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

Thus, for the foregoing reasons, the Appellant's undersigned counsel respectfully urges this Court to grant his instant motion, and, accordingly, he respectfully urges this Court to extend the deadline by which the Appellant must file its initial brief and designation of matter until Tuesday, October 23, 2018.

RESPECTFULLY SUBMITTED:



October 2, 2018

Lake E. Summers

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South Carolina Department of Corrections

Pro se Respondent:

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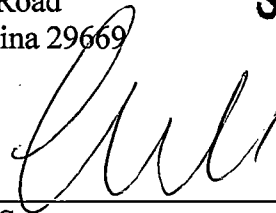
South Carolina Department of Corrections Appellant.

PROOF OF SERVICE

I certify that I have served the **APPELLANT'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 *pro se* Respondent by mailing a copy to him, first class postage pre-paid, at the following address:

James Nathaniel Allen, #171214
Perry Correctional Institution Q-1-B-108
430 Oaklawn Road
Pelzer, South Carolina 29669

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