

87997

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM SOUTH CAROLINA
SC Workers' Compensation Commission
Appellate Panel

RECEIVED
OCT 02 2018
SC Court of Appeals

Appellate Case No.: 2018-001237

Kenneth L. Barr, Claimant, Appellant,

v.

Darlington County School District, Employer,
and SC School Boards Insurance Trust,
Carrier, Respondents.

MOTION FOR EXTENSION OF TIME

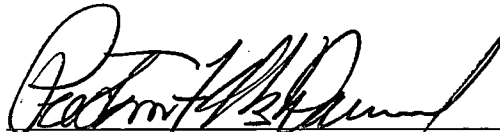
Pursuant to the Appellate Court Rules, the Appellant respectfully moves for a second extension of thirty (30) days to file the Initial Brief of Appellant and Designation of Matter to Be Included in the Record on Appeal. As set forth in the letter to the Clerk of Court, while both of Appellant's Counsel, Gerald Malloy and Preston F. McDaniel have extremely busy schedules, this extension is mainly necessitated due to the schedule of Lead Counsel on the appeal, Preston F. McDaniel, including Briefs and Motions due in the Fourth Circuit Court of Appeals,

multiple Briefs and arguments being due or scheduled before this Court, a Petition for Certiorari due to the SC Supreme Court, Briefs due in the SC Supreme Court, and an extraordinary Declaratory Judgment action in the Circuit Court, in addition to all of the other matters necessary to properly represent other clients in a day-to-day trial practice. The reply of Counsel for the Respondents that the Respondents have no objection to this extension being granted is attached to this Motion.

Wherefore, Appellants' Counsel respectfully requests an extension of thirty (30) days for the filing of Appellant's Initial Brief and Designation of Matter to be Included in the Record on Appeal.

WE SO MOVE.

Respectfully submitted,



Preston F. McDaniel, Esquire
MCDANIEL LAW FIRM
1315 Elmwood Avenue
Columbia, South Carolina 29201
(803) 771-7211

and

Gerald Malloy, Esquire
MALLOY LAW FIRM
Post Office Box 1200
Hartsville, South Carolina 29551
(843) 339-3000

Attorneys for Appellant

October 1, 2018

Kim's Mailbox

From: Kirsten Barr <kbarr@trask-howell.com>
Sent: Monday, October 1, 2018 10:03 AM
To: kim@pfmcdlaw.com; Linda Sanchez
Cc: Gerald Malloy; gelliotte@bellsouth.net; Denise
Subject: RE: Kenneth Barr v. Darlington County School Dist.; Appellate Case No. 2018-001237

We do not have an objection, assuming the Court is in agreement. Kirsten

From: Kim's Mailbox <kim@pfmcdlaw.com>
Sent: Monday, October 01, 2018 9:50 AM
To: Kirsten Barr <kbarr@trask-howell.com>; Linda Sanchez <lsanchez@trask-howell.com>
Cc: Gerald Malloy <gmalloy@bellsouth.net>; gelliotte@bellsouth.net; Denise <cdenisec@bellsouth.net>
Subject: Kenneth Barr v. Darlington County School Dist.; Appellate Case No. 2018-001237
Importance: High

Good morning Ms. Barr:

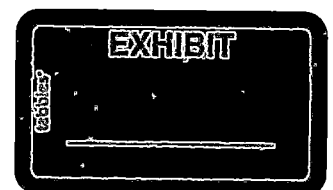
Mr. McDaniel asked that I contact you to see if you would object to him seeking a second 30-day extension in which to file his Initial Brief and Designation of Matter. The Brief and Designation is currently due on October 4th, and with an additional 30-day extension, the new deadline for filing would be **Monday, November 5, 2018.**

Please advise, and I thank you in advance.

Kimberley T. Hinkle
Senior Paralegal
McDANIEL LAW FIRM
1315 Elmwood Avenue
Columbia, South Carolina 29201
T: (803) 771-7211
F: (803) 252-0709
kim@pfmcdlaw.com

Please "Reply to All" when responding.

THIS MESSAGE MAY BE PROTECTED BY THE ATTORNEY/CLIENT PRIVILEGE, ATTORNEY WORK PRODUCT OR OTHER PRIVILEGES. IF YOU RECEIVED THIS MESSAGE IN ERROR, PLEASE SEND A REPLY, DELETE THE MESSAGE IMMEDIATELY AND DO NOT FORWARD THIS MESSAGE TO ANY OTHER PERSON.



THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM SOUTH CAROLINA
SC Workers' Compensation Commission
Appellate Panel

Appellate Case No.: 2018-001237

Kenneth L. Barr, Claimant, Appellant,

v.

Darlington County School District, Employer,
and SC School Boards Insurance Trust,
Carrier, Respondents.

PROOF OF SERVICE

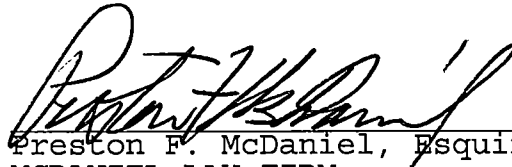
I certify that I have served the MOTION FOR EXTENSION OF
TIME by depositing a copy of it in the United States Mail,
postage prepaid, on October 1, 2018 addressed to:

Kirsten L. Barr, Attorney
Trask & Howell
Post Office Box 2167
Mt. Pleasant, South Carolina 29463

RECEIVED

OCT 02 2018

SC Court of Appeals


Preston F. McDaniel, Esquire
MCDANIEL LAW FIRM
1315 Elmwood Avenue
Columbia, South Carolina 29201
(803) 771-7211

and

Gerald Malloy, Esquire
MALLOY LAW FIRM
Post Office Box 1200
Hartsville, South Carolina 29551
(843) 339-3000
Attorneys for Appellant

McDANIEL LAW FIRM
ATTORNEYS AND COUNSELORS AT LAW
1315 ELMWOOD AVENUE
COLUMBIA, SOUTH CAROLINA 29201

Proudly representing injured workers
for over 30 years.

Preston F. McDaniel

Telephone (803) 771-7211

Matthew Robertson

Facsimile (803) 252-0709

October 1, 2018

RECEIVED
OCT 02 2018
SC Court of Appeals

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

**RE: Kenneth L. Barr v. Darlington County School District
Appellate Case No.: 2018-001237**

Dear Ms. Kitchings:

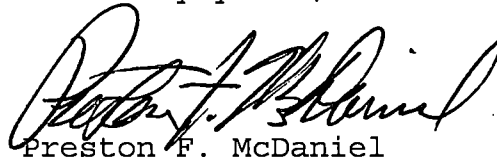
Please find attached my Motion for a thirty (30) day extension of time for the filing of the Initial Brief and Designation of Matter in the above-referenced matter. Since this is a second request, attached to the Motion is the email response from Ms. Kirsten Barr who is representing the Respondents stating she has no objection to the extension being granted by the Court. Gerald Malloy and I are requesting this extension due mainly to my schedule. As set forth in the Motion, in addition to this being an extremely long and difficult Record, I have a Brief pending in the United States Court of Appeals for the Fourth Circuit, two oral arguments and two Briefs pending before the Court, a Petition for Certiorari and Federal Motions, etc. In the past I have had to obtain extensions, and in reference to those versus this request, I would like to put it this way "I thought my schedule was busy". Also enclosed is the required \$25,000 filing fee.

By copy of this letter, I am notifying Ms. Barr and confirming her agreement to of no objection to the extension being granted.

If there is anything additional I need to do to request this extension, please let me know.

As always, I appreciate all of the courtesies and kindnesses shown to me by the Court.

Sincerely yours,


Preston F. McDaniel

PFM/kth
Enclosure

cc: Gerald Malloy, Esquire
Kirsten L. Barr, Esquire

McDaniel Law Firm
1315 Elmwood Avenue
Columbia, SC 29201

Hon. Jenny Abbott Kitchings
Clerk of Court
SC Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RECEIVED
OCT 02 2018
SC Court of Appeals