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THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

—  
Appeal from Florence County  
Court of Common Pleas

—  
D. Craig Brown, Circuit Court Judge

—  
Appellate Case Number 2018-001620

**RECEIVED**  
OCT 09 2018  
SC Court of Appeals

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Sally K. Favaloro, Appellant,

v.

Robert Colones, Ronald Boring, Marie Segars, Debbie Locklair, Shannon Carr, Michael Rose, and McLeod Regional Medical Center, Respondents.

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**APPELLANT'S MOTION FOR EXTENSION OF TIME TO FILE RETURN**

**A. Motion.**

1. Upon SCACR, Rule 263(b) and Rule 240(e), Appellant Sally K. Favaloro requests an extension of time, to October 5, to file by mail her return to Respondents' Motion To Dismiss.

**B. Memorandum.**

2. On September 19, Appellant served, and under Rule 263(a)(2) filed by mail, Appellant's Motion For Stay. The Motion requested: (a) a stay of proceedings, for ninety days to December 18, to retain counsel, comply with upcoming deadlines, and respond to any motions; and (b) an extension of time, to October 22, to respond to any Defendants' motions.

3. Respondents did not oppose the motion for stay to December 28. So far as Appellant is aware, the Court may grant the motion for stay to December 28.

4. Respondents did not oppose the motion to extend the time to respond to October 22. So far as Appellant is aware, the Court may grant the motion to extend to October 22.

5. On October 1, upon returning from vacation, Appellant first saw Respondents' Motion to Dismiss served by regular non-express mail.

6. From October 1 to October 5, four days after receiving Defendants' Motion, Appellant has in part set aside her plans, and prepared her Rule 240(e) return, and prepared this Motion, and served and filed them by mail with the Court of Appeals on October 5.

7. Under Rule 240(e): "The court may in its discretion enlarge ... the time for filing the return." The extension should be granted for three reasons: (1) Appellant's September 19 filed motion for stay to December 18, and her September 19 filed motion for extension to October 22, are both unopposed by Respondents and may be granted by the Court. The current motion is filed seventeen days *earlier* than that October 22 date. (2) Appellant has acted in good faith, did not receive Respondents' Motion to Dismiss served by regular mail until four days ago, and has made extraordinary efforts to promptly file both her return to Respondents' motion and this motion. (3) In this appeal, Appellant is likely to prevail. The issue is: Whether SCRC, Rule 15(a), which allows a party to amend their original complaint once as a matter of course before a responsive pleading is served, allowed this Appellant to amend once before a responsive pleading was served. Appellant argues that Rule 15(a), which allows any party to amend, allows Appellant to do so. Defendants argue that Rule 15(a), which allows any party to amend, does not allow Appellant to do so. Rule 15(a) shows the clear error on which Appellant should prevail.

**C. Relief.** Appellant, having enclosed the necessary \$25 motion fee, requests an extension of time, to October 5, to file by mail her return to Respondents' Motion To Dismiss.

**Signature**

Date: October 5, 2018

By:



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Sally K. Favaloro, Appellant

2002 Chickadee Court

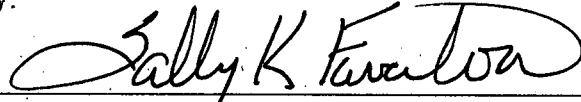
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**Service**. I certify that on October 5, 2018, this document is being served, by regular mail, on counsel for Respondents, Michael M. Shetterly, of Ogletree, Deakins, Nash, Smoak & Stewart, P.C., 300 North Main Street, Suite 500, Greenville SC 29601.

By:



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Sally K. Favaloro, Appellant


2002 Chickadee Court

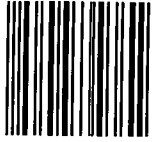
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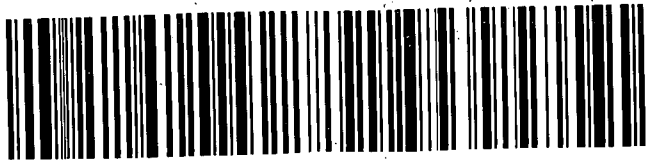
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