

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

RECEIVED

OCT 23 2018

SC 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 FINAL 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 October 9, 2018, the Court granted the second extension motion filed by the Appellant’s undersigned counsel, and, by doing so, the Court established an October 23, 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 23, 2018 to Monday, November 5, 2018.**



The Appellant's undersigned counsel so respectfully moves in light of obligations he both confronts in other matters, as well as those he has confronted since October 9, 2018, as detailed immediately below.

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, after securing the requisite extension, filed, on Friday, October 12, 2018, the defendant's reply to the response in opposition filed by the plaintiff to the defendant's summary judgment motion.

In a matter pending in federal court, styled as *Mayes, et al. v. Excelsior Ambulance, et al.*, C/A No. 3:17-02358-TLW, SCDC's undersigned counsel filed the defendants' motion in limine on Monday, October 15, 2018.

On Monday, October 22, 2018, the Appellant's counsel filed with this Court SCDC's initial brief and designation of matter in a related case styled as *William Ray Ward, #91566, v. S.C. Dep't of Corr.*, Appellate Case No. 2018-001325.

In a 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 faces a deadline of Friday, October 26, 2018 by which to file the defendants' reply to the plaintiff's response in opposition to the defendants' summary judgment motion. The plaintiff filed her response in opposition on Friday, October 19, 2018.

In *Wilson*, the parties are also scheduled to submit the case to mediation on Tuesday, October 30, 2018.

Finally, the schedule of SCDC's undersigned counsel was impacted by the closure of state offices in Richland County on October 11, 2018 due to Hurricane Michael.

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 **Monday, November 5, 2018.**

RESPECTFULLY SUBMITTED:



October 23, 2018

Lake E. Summers
Malone, Thompson, Summers & Ott LLC
339 Heyward Street, Suite 200
Columbia, South Carolina 29201
Office: (803) 254-3300
Fax: (803)-254-0309
E-mail: summers@mtsolawfirm.com

Counsel for the Appellant

Pro se Respondent:

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

RECEIVED

OCT 23 2018

SC Court of Appeals

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,

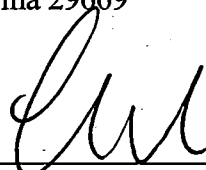
v.

South Carolina Department of Corrections Appellant.

PROOF OF SERVICE

I certify that I have served the **APPELLANT'S FINAL 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



October 23, 2018

Lake E. Summers
Malone, Thompson, Summers & Ott LLC
339 Heyward Street, Suite 200
Columbia, South Carolina 29201
Office: (803) 254-3300
Fax: (803) 254-0309
E-mail: summers@mtsolvfirm.com

Counsel for the Appellant