

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
Grace Gilchrist Knie, Circuit Court Judge

Appellate Case No. 2018-001665
Case No. 2016-CP-42-2478

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MAR 01 2019

SC Court of Appeals

Betty Jean Perkins, Respondent,

v.

South Carolina Department of Transportation, Appellant.

**MOTION FOR EXTENSION TO
FILE INITIAL REPLY BRIEF OF APPELLANT**

The Appellant South Carolina Department of Transportation respectfully moves this Court for an additional extension of time of five days until March 6, 2019, by which to file and serve its Initial Reply Brief and Designation of Matter to be Included in the Record on Appeal.

The Appellant's motion is based on the following grounds:


1. The Appellant's Initial Reply Brief is currently due to be filed and served on March 1, 2019.

2. The undersigned counsel for the Appellant requires this additional time to complete the preparation and drafting of the Appellant's Initial Reply Brief because of other obligations and deadlines, including other briefs due in state and federal court as well as out-of-town mediations.

3. Counsel for the Respondent Betty Jean Perkins has been consulted and has consented to the requested extension through March 6, 2019. (See attached email).

WHEREFORE, the Appellant South Carolina Department of Transportation respectfully requests that it be allowed until March 6, 2019, by which to file and serve its Initial Reply Brief and Designation of Matter to be Included in the Record on Appeal.

LINDEMANN, DAVIS & HUGHES, P.A.

BY: 
ANDREW F. LINDEMANN #13030
5 Calendar Court, Suite 202
Post Office Box 6923
Columbia, South Carolina 29260
T: 803-881-8920
Email: andrew@ldh-law.com

*Counsel for Appellant South Carolina
Department of Transportation*

March 1, 2019

Andrew Lindemann

From: Neil E. Alger <nalger@pmped.com>
Sent: Friday, March 1, 2019 8:29 AM
To: Andrew Lindemann
Cc: Jessica Mattie
Subject: RE: Perkins v. DOT appeal

I consent. Enjoy the trip.

Neil

From: Andrew Lindemann <Andrew@LDH-Law.com>
Sent: Friday, March 1, 2019 7:40 AM
To: Neil E. Alger <nalger@pmped.com>
Subject: Perkins v. DOT appeal

Neil:

I have a favor to ask. I need to ask the Court for an additional five days to file my Initial Reply Brief. I got back late yesterday from a construction mediation in North Myrtle Beach and am trying to get out of town today to visit my son in college for the weekend. I would greatly appreciate it if you would consent to the five day extension.

Thanks.

Andrew

Sent from my iPhone

This email has been scanned for spam and viruses by Proofpoint Essentials. Click [here](#) to report this email as spam.

CONFIDENTIALITY NOTICE

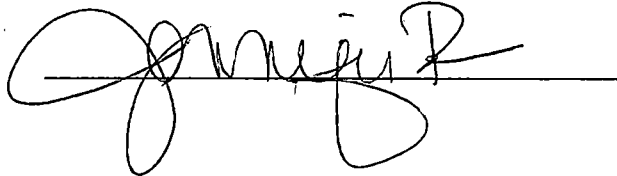
Unless otherwise indicated or obvious from the nature of the above communication, the information contained herein may be an attorney-client privilege and/or confidential information/work product. The communication is intended for the use of the individual or entity named above. If the reader of this transmission is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you are not the named addressee, you are not authorized to read, print, retain, copy or disseminate this message or any part of it. If you have received this message in error, please notify the sender immediately either by phone (803-943-2111) or reply to this e-mail and delete all copies of this message.

CERTIFICATE OF SERVICE

The undersigned employee of Lindemann, Davis & Hughes, P.A., counsel for the Appellant South Carolina Department of Transportation, does hereby certify that service of the **Motion for Extension to File Initial Reply Brief of Appellant** was made upon all counsel of record by placing copies in the United States Mail, first class postage prepaid, at the below listed addresses clearly indicated on said envelopes this the 1st day of March 2019:

John E. Parker, Esquire
Neil E. Alger, Esquire
Peters Murdaugh Parker Eltzroth & Detrick, P.A.
Post Office Box 457
Hampton, South Carolina 29924-0457

William M. Smith, Esquire
Smith & Haskell Law Firm, LLP
218 East Henry Street
Spartanburg, South Carolina 29306



A handwritten signature in black ink, appearing to read 'William M. Smith', is written over a horizontal line.

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SC Court of Appeals



Telephone (803) 881-8920
Facsimile (803) 862-1181

5 Calendar Court, Suite 202 (29206)
Post Office Box 6923
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ANDREW F. LINDEMANN*
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JOEL S. HUGHES†
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Email: joel@ldh-law.com

**Also Admitted in North Carolina
†Certified Mediator*

March 1, 2019

Hand Delivered

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201

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MAR 01 2019

SC Court of Appeals

RE: Betty Jean Perkins v. South Carolina Department of Transportation
Appellate Case Number: 2018-001665
Civil Action Number: 2016-CP-42-2478
Claim Number: 01391
File Number: 104.20000

Dear Ms. Kitchings:

Please find enclosed the original and seven copies of the **Motion for Extension to File Initial Brief of Appellant** in the above referenced matter. I would appreciate you filing the original motion and returning a clocked-in copy to me by way of my paralegal. I have not enclosed a filing fee since the Appellant is exempt. By copy of this letter, I am serving copies on all counsel of record.

If you have any questions, please advise.

Sincerely,

LINDEMANN, DAVIS & HUGHES, P.A.

Andrew F. Lindemann

AFL/jmb
Enclosures

The Honorable Jenny Abbott Kitchings
March 1, 2019
Page Two

cc: (w/ Enclosures)

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