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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHESTER COUNTY
Court of Common Pleas

Honorable John C. Hayes III, Circuit Court Judge
Honorable Brian Gibbons, Circuit Court Judge

RECEIVED

MAR 21 2019

SC Court of Appeals

Appellate Case No: 2019-002115

Heidi Gersten, Ivanka Ayoub, Daniel Hubbard.....Plaintiffs,

Heidi Gersten, Ivanka Ayoub.....Appellants.

v.

Kevin Carter, Richard Davis, Joseph Tirbovich, Nationwide Mutual Insurance Company, Interinsurance Exchange of the Automobile Club, John Ammendola, Trustgard Insurance Co., Blackwell, SC Department of Public Safety, Chevrolet, GMC, Unknown John Does,Respondents

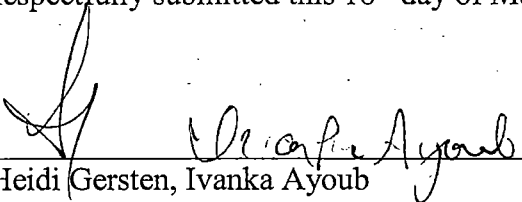
APPELLANTS' NOTICE OF MOTION AND MOTION FOR
EXTENSION OF TIME TO SERVE AND FILE AMENDED RETURN
TO RESPONDENTS CARTER AND DAVIS' MOTION TO DISMISS
APPEAL AND AFFIDAVIT OF HEIDI GERSTEN

Heidi Gersten, Ivanka Ayoub
1438 W. Lantana Rd., #330
Lantana, FL 33462
(323) 245-6142
(561) 756-9820 FAX
hanginhangout@gmail.com
Appellants

The Appellants, Heidi Gersten, Ivanka Ayoub ('Appellants') move this Court for an extension of time to serve and file an amended return of the Respondents Carter and Davis' motion to dismiss appeal pursuant to SCACR 263(b) on the grounds of good cause shown as evidenced by the attached Affidavit of Heidi Gersten. A previous extension was requested on March 7, 2019 and in light of the circumstances an additional 5 days is required to accurately and sufficiently submit an amended return.

The Appellants' argument will be more fully addressed in the attached Memorandum of Points and Authorities in Support.

Respectfully submitted this 18th day of March 2019,



Heidi Gersten, Ivanka Ayoub
Appellants
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Boca Raton, Florida
March 18, 2019

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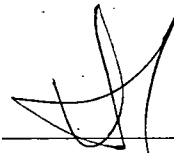
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Kevin Carter, Richard Davis, Joseph Tirbovich, Nationwide Mutual Insurance Company, Interinsurance Exchange of the Automobile Club, John Ammendola, Trustgard Insurance Co., Blackwell, SC Department of Public Safety, Chevrolet, GMC, Unknown John Does,Respondents

AFFIDAVIT OF APPELLANT HEIDI GERSTEN

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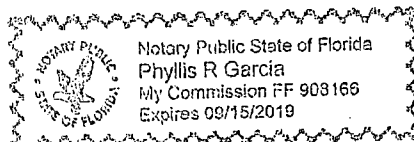
10. I was paralyzed as a result of the collision in controversy with the Respondent Kevin Carter and the Respondent Richard Davis co-owned the vehicle involved.
11. It is unfair to hold me to the same standards as able-bodied people.
12. The American Disabilities Act applies to and protects me.
13. **Title II of the American Disabilities Act** permits modifications to court rules to accommodate my situation due to my disability.
14. The **Doctrine of Equitable Tolling** may also be applied to my circumstances.
15. I am without a caregiver.
16. I urge the Court to allow an additional 5 days, which would be March 23, 2019, to complete an accurate amended Return of the Appellants to the Motion to Dismiss Appeal made by the Respondents Kevin Carter and Richard Davis. Let the merits of the upcoming brief shine a light on the facts of this matter.



Heidi Gersten
 1438 W. Lantana Rd. #330,
 Lantana, FL 33462

Subscribed and sworn to before me, this 18th day of March 2019.

[Notary Seal:]




[signature of Notary]



[typed name of Notary]

NOTARY PUBLIC

My commission expires: 09/15, 2019.

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Appellate Case No: 2019-002115

Heidi Gersten, Ivanka Ayoub, Daniel Hubbard,Plaintiffs,

Heidi Gersten, Ivanka Ayoub,Appellants.

v.

Kevin Carter, Richard Davis, Joseph Tirbovich, Nationwide Mutual Insurance Company, Interinsurance Exchange of the Automobile Club, John Ammendola, Trustgard Insurance Co., Blackwell, SC Department of Public Safety, Chevrolet, GMC, Unknown John Does,Respondents

MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF
APPELLANTS' MOTION FOR EXTENSION OF TIME TO SERVE
AND FILE RETURN TO RESPONDENTS CARTER AND DAVIS'
MOTION TO DISMISS APPEAL

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Plaintiffs/Appellants

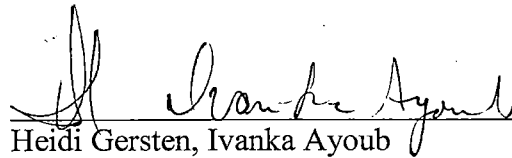
STATEMENT OF FACTS

On March 7, 2019, the Appellants requested an additional 10 days to serve and file an amended return to the Respondents Carter and Davis' Motion to Dismiss Appeal. March 18, 2019 would be the due date on this request however for the reasons fully explained in the Appellant Heidi Gersten's Affidavit, good cause is shown for an additional 5 days to complete the Appellants' Return.

Ten (10) days from March 18, 2019 would be March 23, 2019, to sufficiently and adequately address the multiple errors made by the Respondents Carter and Davis. This return in made in a good faith effort to comply with the previously underestimated motion for extension of time and is permitted by Rule 263(b), SCACR.

For these reasons, the reasons in the attached Affidavit of Heidi Gersten and the reasons to be submitted in the forthcoming Appellants' Amended Return and the Appellants' Brief, the Court has jurisdiction as the Notice of Appeal was timely served and filed per SCACR rules.

Respectfully submitted this 18th day of March 2019,



Heidi Gersten, Ivanka Ayoub
Appellants
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Boca Raton, Florida
March 18, 2019

CERTIFICATE OF SERVICE
(Appellate Case No: 2019-002115)

The undersigned, over 18 years of age and not a party to the said action, hereby certifies that (s)he has served the following named individuals with a copy of the foregoing: Appellate Case No: 2019-002115 APPELLANTS' NOTICE OF MOTION AND MOTION FOR EXTENSION OF TIME TO FILE APPELLANTS' AMENDED RETURN OF RESPONDENT CARTER AND DAVIS' MOTION TO DISMISS ALONG WITH A MORE DETAILED RESPONSE TO THIS COURT'S LETTER DATED FEBRUARY 2019 along with letter to the Court dated March 18, 2019, and AFFIDAVIT OF APPELLANT HEIDI GERSTEN and, MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF APPELLANTS' MOTION FOR EXTENSION OF TIME, by mailing a copy of same to them in the U. S. Post Office mail, with sufficient postage affixed thereto and return address clearly marked on the date indicated below:

Wesley Brian Sawyer, Esquire
Murphy & Grantland, P.A.
4406 Forest Drive #B
Columbia, SC 29206
(Attorney for Kevin Carter and Richard Davis)

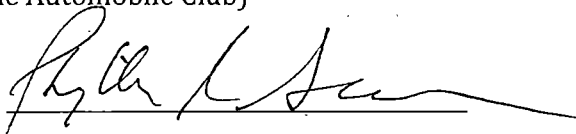
David R. Sligh
P.O. Box 2116
Myrtle Beach, SC 29578
(Attorney for Nationwide Mutual Ins. Co)

Peter H. Dworjanyn, Esquire and
Michael R. Burchstead, Esquire
Collins & Lacy, PC
1330 Lady Street, 6th Floor (29201)
Post Office Box 12487
Columbia, SC 29211
(Attorneys for Trustguard Insurance Company)

William H. Davidson II, Esquire
Davidson & Lindemann, PA
P.O. Box 8568
Columbia, SC 29202
(Attorney for SC Dept. of Public Safety
and Trooper Herbert Blackwell)

Reynolds Williams
P.O. Box 1909
Florence, SC 29503-1909
(Attorney for Defendant Interinsurance Exchange of the Automobile Club)

Alexander S. Gogsette
P.O. Box 5478
Florence, SC 29502
(Attorney for Joseph Tirbovich)

By: 

Boca Raton, Florida
March 18, 2019

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MAR 21 2019

SC Court of Appeals

March 18, 2019
1438 W. Lantana Rd., #330
Lantana, FL 33462

Honorable Jenny Abbott Kitchings
Clerk of Court
SC Court of Appeals
P.O. Box 11629
Columbia, SC 29211
(843)662-3258 Fax (843)662-1342

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SC Court of Appeals

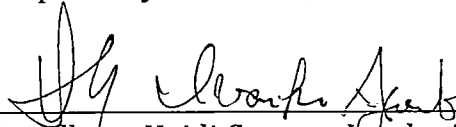
RE: Appellate Case No.: 2018-002115

Dear Ms. Kitchings:

Good day to you.

Please find an enclosed U.S. postal money order in the amount of \$50.00 for the enclosed original NOTICE OF MOTION AND MOTION FOR EXTENSION OF TIME TO FILE APPELLANTS' AMENDED RETURN OF RESPONDENT CARTER AND DAVIS' MOTION TO DISMISS along with a more detailed response to this Court's letter dated February 15, along with 7 copies. Please file the original and return a file-stamped copy in the pre-paid postage envelope provided. Thank you for your time regarding this matter.

Respectfully submitted,


Appellants Heidi Gersten, Ivanka Ayoub
hanginhangout@gmail.com
(323)245-6142 Fax (561) 756-9820

HG/Enclosures

✓

Heidi GERSTEN, IVANKA AYOUB
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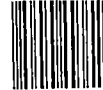
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29211

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33432
MAR 18, 19
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\$14.15
R2305K143038-07

**RETURN RECEIPT
REQUESTED**

HONORABLE Jenny Abbott Kitchings
Clerk of Court

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MAR 21 2019

SC Court of Appeals

SC Court of Appeals
PO Box 11629

Columbia, SC 29211

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