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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 28 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

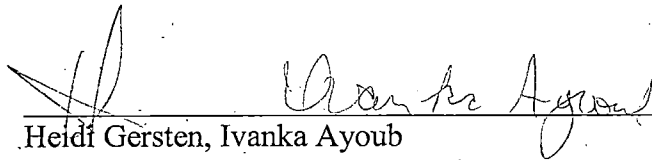
APPELLANTS' NOTICE OF MOTION AND MOTION FOR
EXTENSION OF TIME TO SERVE AND FILE AMENDED RETURN
TO RESPONDENTS CARTER AND DAVIS' MOTION TO DISMISS
APPEAL AND AFFIDAVIT OF HEIDI GERSTEN

Heidi Gersten, Ivanka Ayoub
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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. Previous extensions were requested on March 7, 2019 and March 18, 2019. In light of the good cause shown, an additional ten (10) 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 25th day of March 2019,



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Appellants
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Boca Raton, Florida
March 25, 2019

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AFFIDAVIT OF APPELLANT HEIDI GERSTEN

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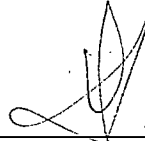
STATE OF FLORIDA,
SS:
COUNTY OF PALM BEACH,

**HEIDI GERSTEN, BEING FIRST DULY CAUTIONED AND SWORN
DEPOSES AND STATES AS FOLLOWS:**

1. I am the Appellant herein, and have read the foregoing Motion for Extension of Time to Amend Appellants' Return to the Respondents Kevin Carter and Richard Davis' Motion to Dismiss Appeal, which includes all pages attached, and know the contents thereof, that the same is true of my own knowledge, except as matters therein stated to be alleged on information and belief; and to those matters, I believe them to be true.
2. The facts stated herein are personally known to me and I have first-hand knowledge thereof and to those facts that are in addition stated are based on information and belief.
3. If called upon to do so, I would and could competently testify to hereto under oath in a court of law operating under the laws of the State of South Carolina and the United States Constitution.
4. The Appellants served and filed on March 7, 2019 and attached a U.S.P.S. money order in the amount of \$50.00 payable to the SC Clerk of Court of Appeals, a Return to Respondents Carter and Davis' Motion to Dismiss Appeal and Motion for the Court to Dismiss Appeal and Motion for the Court to Accept This Document as Timely With or Without Leave of Court in anticipation that the requested extension of time to amend it would be on March 17, 2019.
5. Unfortunately during those ten (10) days I was extremely ill and had an unusually painful menstrual cycle followed by the learning of the passing of my father, which created an additional hardship to my already overwhelming daily life, due to being paralyzed.
6. The Appellants served and filed another extension on March 18, 2019 requesting five (5) additional days, as the tenth day was Sunday, March 17, 2019 from the previous request and attached a U.S.P.S. money order in the amount of \$50.00 payable to the SC Clerk of Court of Appeals.
7. The Appellants are now requesting an additional ten (10) days from March 25, 2019, as five (5) days from March 18, 2019 is March 23, 2019, which was a Saturday, bringing us to today, March 25, 2019 and ten (10) days from today is April 4, 2019.

8. During this last five (5) days, my computer crashed, causing me to be unable to obtain stored information and print documents.
9. I will have a computer expert here this week to fix the problem.
10. It may be hard to imagine for some, the enormous amount of effort it takes to do simple things that able-bodied people can do, such as use a toilet.
11. I live under extraordinary circumstances.
12. After 7 months or more of living without a caregiver, I interviewed several caregivers this weekend and I will have some help this week.
13. I have been waking up to a head saturated in urine, as I have not been able to control my bladder.
14. I anticipate to get cleaned up with the help of my new caregiver.
15. According to the **SCACR**, the Appellants should not be subjected to serving and filing a return when the Respondents Carter and Davis' Motion to Dismiss does not have the correct case number, along with the burden of sorting through 64 un-paginated pages.
16. The date the Notice of Appeal was timely served and filed on Respondents Kevin Carter and Richard Davis was November 15, 2018.
17. The motions for reconsideration were timely filed according to court rules.
18. Without the use of my computer, I'm unable to provide accurate information.
19. 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.
20. It is unfair to hold me to the same standards as able-bodied people.
21. The **American Disabilities Act** applies to and protects me.
22. **Title II** of the **American Disabilities Act** permits modifications to court rules to accommodate my situation due to my disability.
23. The **Doctrine of Equitable Tolling** may also be applied to my circumstances.
24. I urge the Court to allow an additional ten (10) days, which would be April 4, 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 in light of the good cause shown.


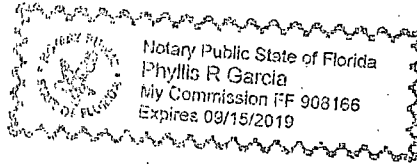
25. This extension is not for the purpose of delaying. It is for the furtherance of justice and to prevent its miscarriage.



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

Subscribed and sworn to before me, this 25th day of March 2019.

[Notary Seal:]


[signature of Notary]

Phyllis R Garcia
[typed name of Notary]

NOTARY PUBLIC

My commission expires: September 15th, 2019.

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Appellate Case No: 2019-002115

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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

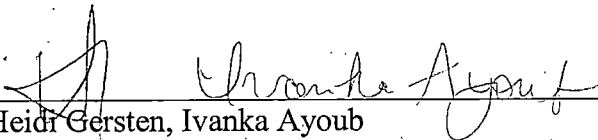
STATEMENT OF FACTS

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. On March 18, 2019 the Appellants, requested an additional 5 days. Now for good cause shown, an additional ten (10) days is required to complete the Appellants' Return.

Ten (10) days from March 25, 2019 would be April 4, 2019, to sufficiently and adequately address the multiple errors made by the Respondents Carter and Davis. This return is 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 25th day of March 2019,



Heidi Gersten, Ivanka Ayoub
Appellants
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Boca Raton, Florida
March 25, 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 15, 2019 along with letter to the Court dated March 25, 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
Murpy & Grantland, P.A.
4406 Forest Drive #B
Columbia, SC 29206
(Attorney for Kevin Carter and Richard Davis)

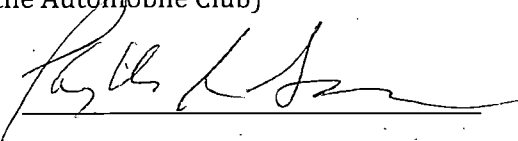
David R. Sligh
P.O. Box 2116
Myrtle Beach, SC 29578
(Attorney for Nationwide Mutual Ins. Co)

Peter H. Dworjany, 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 25, 2019

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MAR 28 2019

SC Court of Appeals

March 25, 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

RE: Appellate Case No.: 2018-002115

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MAR 28 2019

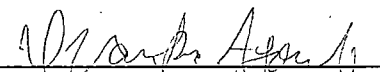

SC Court of Appeals

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 14, 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
1438 W. LANTANA RD. #330
LANTANA, FL 33462



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MAR 28 2019

SC Court of Appeals

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Honorable Jenny Abbott Kitchens
Clerk of Court
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PO Box 11629
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