

**THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT**

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JUL 08 2019

Appeal from Charleston County
Court of Common Pleas

S.C. SUPREME COURT

R. Markley Dennis, Jr., Circuit Court Judge

Circuit Court Cases No. 2012-CP-10-2867 and 2011-CP-10-8313

Opinion No. 5535 (S.C. Ct. App. filed February 7, 2018)
Court of Appeals Case No. 2015-001463

On Writ of Certiorari to the Court of Appeals
Supreme Court Case No. 2018-000914

Clair Craver Johnson, Respondent,

v.

John Roberts, M.D., Petitioner.

And

Clair Craver Johnson, Respondent,

v.

Medical University of South Carolina, Petitioner.

**MOTION FOR EXTENSION OF TIME TO PETITION FOR REHEARING
ON BEHALF OF PETITIONER JOHN ROBERTS, M.D.**

YOUNG CLEMENT RIVERS, LLP
Stephen L. Brown (SC Bar No. 66468)
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*Attorneys for Petitioner
John Roberts, M.D.*

TO: THE HONORABLE JUDGES OF THE SOUTH CAROLINA SUPREME COURT:

NOW COMES Petitioner John Roberts, M.D. (“Petitioner”), by and through his undersigned counsel, pursuant to Rule 263(b), SCACR, and hereby moves this Honorable Court for an extension of fifteen (15) days’ time to petition for rehearing of this matter, which the Court decided via opinion filed June 19, 2019. *See Clair Johnson v. John Roberts (MUSC)*, Op. No. 27897 (S.C. Sup. Ct. filed June 19, 2019) (Shearouse Adv. Sh. No. 25 at 25).

1. Rule 221(a), SCACR, provides, “Petitions for rehearing must be actually received by the appellate court no later than fifteen (15) days after the filing of the opinion, order, judgment, or decree of the court.”

2. Based on the June 19, 2019 filing of the Court’s opinion in this case, the present deadline to petition for rehearing is the close of business Friday, July 5, 2019, which, in accordance with Rule 263(a), SCACR (regarding computation of time), is the 15th day after the opinion’s filing.

3. On account of work-related and other time commitments, the undersigned counsel for this Petitioner requests the Court’s allowance of fifteen (15) days’ additional time to petition for rehearing.

4. Respectfully, the undersigned submits there is good cause for the Court to grant the relief requested herein, as it is, under the circumstances, a reasonable dispensation, timely sought, consistent with the interests of justice,

posing no threat of undue prejudice to any other party.¹

WHEREFORE, this Petitioner requests that the Court grant an extension of 15 days' time (running from July 5, 2019) to petition for rehearing. By the undersigned's calculations, if this request is granted, the new deadline to petition for rehearing would be Monday, July 22, 2019. ADDITIONALLY, for the same reasons set forth in support of the within request for an extension of time, this Petitioner requests that the Court hold the present deadline for petitioning for rehearing in abeyance until the Court acts on this motion.

[Signature on next page]

¹ Counsel for this Petitioner is, of course, mindful of the Court's July 26, 2014 Order "RE: Extensions in Cases Seeking a Petition for a Writ of Certiorari to Review a Decision of the South Carolina Court of Appeals." As this Petitioner's counsel understands it, however, this Order does not apply to the instant extension request. Rather, the Order addresses the provisions of Rule 242, SCACR, in respect of the time for preparing a cert petition/appendix, return, and any reply and, in the event cert is granted, the time for preparing the parties' respective briefs. In short, counsel for this Petitioner understands the Order to apply to the time for preparing the various filings to be made by the parties leading up to the Court's dispositional decision, not to the filing of a petition for rehearing under Rule 221. In the event counsel's interpretation of the Order is mistaken, however, counsel would humbly ask the Court to nonetheless allow some modest extension of time to petition for rehearing, counsel again submitting, most respectfully, that the Court's grant of the same is consistent with the interests of justice and poses no threat of undue prejudice to any other party.

[Signature page for Motion for Extension of Time to Petition for Rehearing on behalf of Petitioner John Roberts, M.D., Appellate Case No. 2018-000914]

Respectfully submitted,

YOUNG CLEMENT RIVERS, LLP

By: 

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Attorneys for Petitioner

John Roberts, M.D.

Charleston, South Carolina

Dated: 7/3/19

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PROOF OF SERVICE

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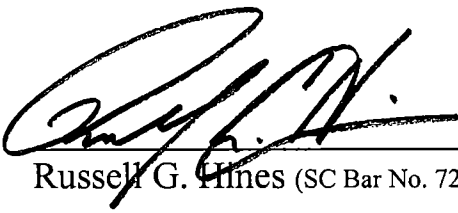
John Roberts, M.D.

I, Russell G. Hines, of Young Clement Rivers, LLP, counsel for Petitioner John Roberts, M.D., hereby certify that the foregoing **MOTION FOR EXTENSION OF TIME TO PETITION FOR REHEARING ON BEHALF OF PETITIONER JOHN ROBERTS, M.D.** was served on all other parties to this matter by depositing a copy of same in the U.S. Mail on July 3, 2019, properly posted for delivery to the following addressees:

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Respectfully submitted,
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By: 

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John Roberts, M.D.*

Charleston, South Carolina

Dated: 7/3/19