

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

RECEIVED

Appeal from Charleston County
Court of Common Pleas

JUL 08 2019

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 MEDICAL UNIVERSITY OF SOUTH
CAROLINA.

PIERCE SLOAN WILSON KENNEDY & EARLY LLC
The Blake-Grimké House
321 East Bay Street
Post Office Box 22437
Charleston, South Carolina 29413
PH: (843) 722-7733
Fax: (843) 722-7732
E-Mail: willearly@piercesloan.com

BY: 

William P. Early (15657)

Counsel for the Defendant Named Herein

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

NOW COMES Petitioner Medical University of South Carolina ("MUSC"), 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 Defendant 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.

PIERCE SLOAN WILSON KENNEDY & EARLY LLC

The Blake-Grimké House

321 East Bay Street

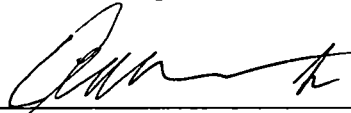
Post Office Box 22437

Charleston, South Carolina 29413

PH: (843) 722-7733

Fax: (843) 722-7732

E-Mail: willearly@piercesloan.com

BY: 

William P. Early (15657)

Counsel for the Defendant Named Herein

July 3, 2019
Charleston, South Carolina

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IN THE SUPREME COURT

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JUL 08 2019

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PROOF OF SERVICE

PIERCE SLOAN WILSON KENNEDY
& EARLY, LLC

William P. Early (SC Bar No.15657)

Joseph C. Wilson (SC Bar No. 63002)

P.O. Box 22467

Charleston, South Carolina 29413

843-722-7733

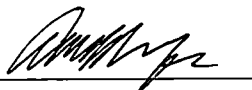
Attorneys for Petitioner MUSC

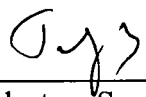
I, William P. Early, Esq. of Pierce Sloan Wilson Kennedy & Early, LLC counsel for Petitioner MUSC, hereby certify that the foregoing **MOTION FOR EXTENSION OF TIME TO PETITION FOR REHEARING ON BEHALF OF PETITIONER MUSC.** was served on all other parties to this matter by depositing a copy of same in the U.S. Mail on July 3, 2019, properly posted for delivery to the following addresses:

Johnathan Blake Asbill, Esquire
Baker Ravenel & Bender, LLP
P.O. Box 8057
Columbia, SC 29202
Attorneys for Clair Craver Johnson

Stephen L. Brown
D. Jay Davis, Jr.
James E. Scott, IV
Russell G. Hines
Young Clement Rivers, LLP
PO Box 993
Charleston, SC 29402
Attorneys for John Robert, M.D.

Respectfully submitted,
Pierce Sloan Wilson Kennedy & Early, LLC

By: 
William P. Early (SC Bar No. 7326)
Attorney for Petitioner MUSC


_____, 2019
Charleston, South Carolina