

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM OCONEE COUNTY
Court of Common Pleas

R. Scott Sprouse, Circuit Court Judge

RECEIVED

Case No.: 2018-CP-37-00271
Appellate Case No.: 2018-002088

JUL 26 2019
SC Court of Appeals

Betty Herrington,

Respondent,

v.

SSC Seneca Operating Company, LLC, d/b/a Seneca Health &
Rehabilitation Center; SavaSeniorCare, LLC; SSC Equity
Holdings, LLC; SavaSeniorCare Administrative Services,
LLC; SavaSeniorCare Consulting Services, LLC

Defendants,

Of which SSC Seneca Operating Company, LLC, d/b/a Seneca
Health & Rehabilitation Center; SavaSeniorCare
Administrative Services, LLC; SavaSeniorCare Consulting
Services, LLC

Appellants.

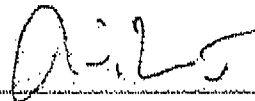
**MOTION FOR LEAVE OF COURT TO FILE/SERVE FINAL BRIEF OF
RESPONDENT OUT OF TIME**

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

Comes now Respondent Betty Herrington, by and through her undersigned
counsel, pursuant to Rule 263(b), SCACR, and moves for leave to file/serve her Final
Brief (which is being conditionally filed/served contemporaneously herewith) out of
time.

1. Appellants served the Record on Appeal on June 27, 2019.
2. Pursuant to Rule 211, *SCACR*, Respondents Final Brief was due within twenty (20) days of the service of the Record on Appeal.
3. The undersigned inadvertently calendared the deadline to serve Respondent's Final Brief as thirty (30) days from the date on which the Record on Appeal was served.
4. Upon receiving Appellants' Final Brief, the undersigned realized his error in calendaring the deadline.
5. With apologies to the Court and opposing counsel for such inadvertence, the undersigned asks that Respondent's Final Brief be accepted for filing/service out of time.
6. The undersigned humbly submits that there is good cause to grant the requested relief given that the failure to meet this deadline was inadvertent; this motion and Respondent's Final Brief conditionally filed herewith are being submitted sufficiently soon after June 18th so as to avoid undue delay in the progress of this matter; the requested relief is consistent with the interests of justice; and the requested relief poses no threat of undue prejudice to Respondent.

Wherefore, Respondent moves this Honorable Court to grant her leave to file/serve her Final Brief out of time and ask that the Court accept as duly filed/served the Final Brief conditionally filed/served contemporaneously herewith.



Raymond T. Wooten (S.C. Bar No. 81483)

SMITH JORDAN, P.A.

1810 East Main Street

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Easley, South Carolina 29641-1207

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wooten@smithjordan.com

Attorney for Appellant

Easley, South Carolina
July 26, 2019

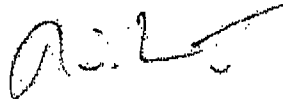
PROOF OF SERVICE

I certify that I have served Final Brief of Respondent and Motion for Leave of Court to File/Serve Final Brief of Respondent Out of Time on all Counsel of Record to the address below by depositing a copy of it in the United States Mail with postage prepaid on July 26, 2019.

Other Counsel of Record:

YOUNG CLEMENT RIVERS, LLP
P.O. Box 993
Charleston, SC 29402
Stephen L. Brown, Esq.
D. Jay Davis, Jr., Esq.
Perry M. Buckner, IV, Esq.
Russell G. Hines, Esq.

Attorneys for Appellants



Raymond T. Wooten (S.C. Bar # 81483)
SMITH JORDAN, PA
1810 East Main Street
Post Office Box 1207
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(864) 855-1661 office
(864) 855-1685 fax
Wooten@SmithJordan.com
Attorney for Respondent

Easley, South Carolina
July 26, 2019

Smith Jordan
PA
- Attorneys at Law -

Ronnie L. Smith f
W. Grady Jordan
James E. Sterling
f Of Counsel

Raymond T. Wooten*
Thomas S. Phillips
*Licensed in SC & GA

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SC Court of Appeals

Stephen L. Brown, Esq.
D. Jay Davis, Jr., Esq.
Perry M. Buckner, IV, Esq.
Russell G. Hines, Esq.
YOUNG CLEMENT RIVERS, LLP
P.O. Box 993
Charleston, SC 29402

RE: Betty Herrington vs. SSC Seneca Operating Company, LLC, et al.
Case No.: 2018-CP-37-00271

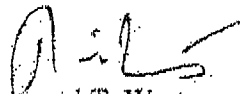
Dear Gentlemen:

Please find enclosed one bound copy of Respondent's Final Brief as well as a copy of the a Motion for Leave of Court to File/Serve Final Brief of Respondent Out of Time in regards to the above referenced matter along with the Proof of Service for same.

Should you have any questions or concerns, please feel free to contact my office.

With kindest regards, I remain

Sincerely,



Raymond T. Wooten

RTW/amr
Enclosures
cc: Client

Smith Jordan
- Attorneys at Law -

Ronnie L. Smith
W. Grady Jordan
James E. Sterling
Of Counsel

Raymond T. Wooten*
Thomas S. Phillips
*Licensed in SC & GA

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VIA FIRST CLASS MAIL AND FACSIMILE TO (803)734-1839

Honorable Jenny Abbott Kitchings
Clerk of the South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

JUL 26 2019

SC Court of Appeals

RE: Betty Herrington vs. SSC Seneca Operating Company, LLC, et al.
Case No.: 2018-CP-37-00271

Dear Mrs. Kitchings:

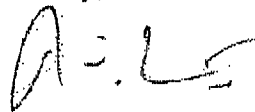
Please find enclosed one (1) unbound copy as well as fourteen (14) bound copies of the Final Brief of Respondent and Certificate of Counsel in the above captioned matter as well as the originals and three (3) copies of the Proof of Service of same on counsel for the Respondents, which are being conditionally served.

Also enclosed you will find an original and seven (7) copies of a Motion for Leave of Court to File/Serve Final Brief of Respondent Out of Time as well as a check in the amount of \$50.00 for the filing fee.

I ask that you please file the original and return the clocked copies to me in the envelope provided.

Please contact me if you have any questions.

Sincerely,



Raymond T. Wooten

RTW/amr
Enclosures

cc: Client
Stephen L. Brown, Esq.
D. Jay Davis, Jr., Esq.
Perry M. Buckner, IV, Esq.
Russell G. Hines, Esq.