

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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APPEAL FROM RICHLAND COUNTY

SEP 09 2019

Court of Common Pleas

SC Court of Appeals

The Honorable Robert E. Hood, Circuit Court Judge

Case No.: 2017-CP-40-05549

Vanessa Wiggins,.....Appellant,

v.

ALDI, Inc.Respondent.

**RETURN IN OPPOSITION TO
APPELLANT'S MOTION FOR AN EXTENSION OF TIME**

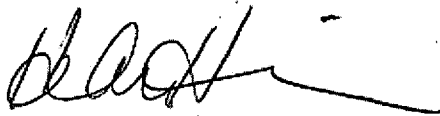
Pursuant to Rules 208 and 240, SCACR, Respondent ALDI, Inc. hereby responds in opposition to Appellant Vanessa Wiggins' Motion for Extension of Time to file Initial Brief and Designation of Record on Appeal. First, as Respondent noted in a letter to the Court dated July 11, 2019, and the email correspondence attached thereto dated July 4, 2019, the official court reporter, Maryann Nevers, received Appellant's request for the transcript prior to the undersigned's request. It is difficult to conceive that Ms. Nevers emailed a copy of the transcript to the undersigned and not to counsel for Appellant on July 4, 2019.

Nonetheless, assuming Appellant's statement that she did not receive the transcript until July 20, 2019, her Initial Brief and Designation of Matter were due to be filed by August 19, 2019. See Rule 208(a)(1), SCACR. That date came and went with no request for an extension of time in which to file her brief and designation of matter.

Instead, fifteen days later, Appellant now has filed a Motion for Extension of Time, explaining that they failed to docket the due date for the initial brief and designation of matter because they had also requested a “hard copy” of the transcript. That explanation is difficult to accept, given that they admittedly received an emailed copy on July 20, 2019 and took the additional step of advising this Court of the same in a letter dated July 24, 2019.

For these reasons, Respondent believes this Court should deny Plaintiff’s Motion for an Extension of Time and dismiss this appeal, pursuant to Rule 260, SCACR, for failure to comply with the requirements of this Court’s rules.¹ At a minimum, if this Court should be inclined to grant Appellant’s Motion for Extension, it should clarify that no further motions for extensions for her Initial Brief will be granted.

McANGUS GOUDELOCK & COURIE, LLC



September 6, 2019

Helen F. Hiser, S.C. Bar No.: 76124
735 Johnnie Dodds Blvd., Suite 200 (29464)
P.O. Box 650007
Mount Pleasant, South Carolina 29465
(843) 576-2900

Attorneys for Respondent ALDI, Inc.

¹ In addition, it is unclear from the copy of Appellant’s Motion for Extension of Time that was served on Respondent whether Appellant has paid the requisite motions filing fee.

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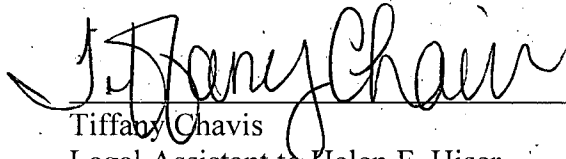
v.

ALDI, Inc.Respondent.

PROOF OF SERVICE

I certify that on the 6th day of September 2019, I served the Respondent's **Return in Opposition to Appellant's Motion for an Extension of Time** on Vanessa Wiggins by depositing a copy of it in the United States Mail, postage prepaid, addressed to her counsel of record:

Frank A. Barton, Esq.
ATTORNEY AT LAW, P.A.
P. O. Box 3972
West Columbia, SC 29171



Tiffany Chavis
Legal Assistant to Helen F. Hiser
McAngus, Goudelock & Courie LLC
735 Johnnie Dodds Blvd., Suite 200
P.O. Box 650007
Mount Pleasant, South Carolina 29465
(843) 576-2900
Attorneys for Respondent ALDI, Inc.

Reply To

HELEN F. HISER
Direct Dial: (843) 576-2930
helen.hiser@mgclaw.com

September 6, 2019

Via U.S. Mail

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

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SC Court of Appeals

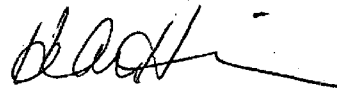
RE: Vanessa Wiggins vs. ALDI, Inc.
Civil Action No.: 2017-CP-40-05549 (Richland)
Date of Incident: June 17, 2017
Carrier Claim No.: 17F67F192845
MGC File No.: 2024.17114
Appeal No.: 2019-000152

Dear Ms. Kitchings:

Enclosed please find the original and seven (7) copies of Respondent's Return in Opposition to Appellant's Motion for an Extension of Time, and the original and one copy of the Proof of Service in the above-referenced matter. Please file the originals and return a clocked-in copy in the enclosed self-addressed, stamped envelope.

If you have any questions, please do not hesitate to contact me.

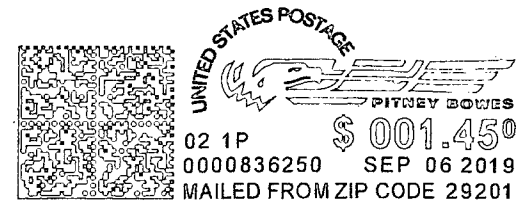
Sincerely,
McAngus Goudelock & Courie, LLC



Helen F. Hiser

Enclosures

cc: Frank A. Barton, Esq.



mgc | **INSURANCE
DEFENSE**

POST OFFICE BOX 12519
COLUMBIA, SC 29211

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2024.17114/JAD/tjc
The Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201