

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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OCT 23 2019

APPEAL FROM CHESTER COUNTY
Court of Common Pleas

S.C. SUPREME COURT

The Honorable Brian Gibbons, Circuit Court Judge
The Honorable John C. Hayes, Circuit Court Judge

Appellate Case No. 2019-001484

Heidi Gersten, Ivanka Ayoub, Daniel Hubbard, Plaintiffs,

Of whom Heidi Gersten and Ivanka Ayoub are Petitioners,

v.

Kevin Carter, Richard Davis, Joseph Tirbovich, Nationwide Mutual Insurance Company,
Interinsurance Exchange of the Automobile Club, John Ammendola, Trustguard Ins. Co.,
Blackwell, SC Department of Public Safety, Chevrolet, GMC, Unknown John
Does, Respondents.

JOINT RETURN TO PETITION FOR WRIT OF CERTIORARI

Wesley B. Sawyer, Esquire
SC Bar No. 100229
Murphy & Grantland, P.A.
P.O. Box 6648
Columbia, SC 29260
(803) 782-4100
Attorney for Respondents Kevin Carter and Richard
Davis

Reynolds Williams, Esquire
SC Bar No. 6153
P. O. Box 1909
Florence, SC 29503-1909
(843) 662-3258
Attorney for Respondent Interinsurance Exchange

of the Automobile Club

David R. Sligh, Esquire
SC Bar No. 77493
P. O. Box 2116
Myrtle Beach, SC 29578
(843) 213-5519
Attorneys for Respondents Nationwide Mutual Ins.
Co. and Joseph Tirbovich

Peter H. Dworjanyn, Esquire
SC Bar No. 12950
Collins & Lacy, PC
1330 Lady Street, 6th Floor (29201)
P. O. Box 12487
Columbia, SC 29211
(803) 255-0404
Attorneys for Respondents Trustguard Insurance
Company and John Ammendola

William H. Davidson, II, Esquire
SC Bar No. 1558
Davidson & Lindemann, PA
P. O. Box 8568
Columbia, SC 29202
(803) 806-8222
Attorneys for Respondents SC Dept. of Public
Safety and Herbert Blackwell

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S.C. SUPREME COURT

TABLE OF CONTENTS

Table of Authorities..... ii

Questions Presented.....1

Statement of the Case1

Argument6

 I) THE COURT OF APPEALS PROVIDED REPEATED OPPORTUNITIES FOR THE PETITIONERS TO PROVIDE INFORMATION REQUESTED BY THE COURT OF APPEALS, YET PETITIONERS FAILED TO DO SO.....6

 II) PETITIONERS’ REMAINING CLAIMS REGARDING THE INTERPRETATION OF “SHALL,” THE AMERICANS WITH DISABILITIES ACT, AND EQUITABLE TOLLING ARE IRRELEVANT TO THE ISSUE OF THEIR NONCOMPLIANCE WITH THE COURT OF APPEALS’ ORDER.8

 A) THE COURT OF APPEALS HAS THE AUTHORITY TO ALLOW A LITIGANT TO CURE DEFICIENCIES IN A FILING BEFORE DISMISSING FILING OR APPEAL FOR NONCOMPLIANCE8

 B) THE AMERICANS WITH DISABILITIES ACT DOES NOT REQUIRE THE COURT OF APPEALS TO PROVIDE LIMITLESS OPPORTUNITIES FOR PETITIONERS TO COMPLY WITH ORDERS OF THE COURT.....9

 C) EQUITABLE TOLLING IS INAPPLICABLE TO DEADLINES FOR COMPLIANCE WITH THE *SOUTH CAROLINA APPELLATE COURT RULES* OR ORDERS OF THE COURT OF APPEALS.11

 III) PETITIONERS’ CASE DOES NOT PRESENT A NOVEL QUESTION OF LAW SUCH THAT THE RESOLUTION OF THE ISSUE WOULD BEST SERVE THE INTERESTS OF JUDICIAL ECONOMY. 12

Conclusion 13

TABLE OF AUTHORITIES

Cases

<i>Georganne Apparel, Inc. v. Todd</i> , 303 S.C. 87, 399 S.E.2d 16 (Ct. App. 1990)	7
<i>Henning v. Kaye</i> , 307 S.C. 436, 415 S.E.2d 794 (1992).....	9
<i>Hooper v. Ebenezer Sr. Services and Rehabilitation Center</i> , 386 S.C. 108, 687 S.E.2d 29 (2009).....	11
<i>Lafitte v. Bridgestone Corp.</i> , 381 S.C. 460, 674 S.E.2d 154 (2009)	12
<i>Sadisco of Greenville, Inc. v. Greenville County Board of Zoning Appeals</i> , 340 S.C. 57, 530 S.E.2d 383 (2000)	11

Rules

<i>South Carolina Appellate Court Rules</i> , Rule 242	6, 12, 13
<i>South Carolina Appellate Court Rules</i> , Rule 263	11-12

QUESTIONS PRESENTED

- I) WHETHER THE COURT OF APPEALS ERRED IN DISMISSING THE APPEAL PRIOR TO THE FILING OF BRIEFS ON THE MERITS WHEN PETITIONERS FAILED TO COMPLY WITH THE MAY 2, 2019 ORDER OF THE COURT AFTER HAVING MORE THAN TWO AND A HALF MONTHS TO PROVIDE THE INFORMATION SOUGHT BY THE COURT AFTER THE INITIAL REQUEST?

- II) WHETHER THE COURT OF APPEALS' ERRED IN DISMISSING THE APPEAL DUE TO PETITIONERS' FAILURE TO COMPLY WITH THE COURT'S ORDER DESPITE ALLOWING RESPONDENTS AAA TO CURE DEFICIENCIES IN THEIR FILING OF THE MOTION TO DISMISS?

- III) WHETHER THE COURT OF APPEALS ERRED IN FAILING TO PROVIDE ADDITIONAL TIME, UNDER THE AMERICANS WITH DISABILITIES ACT, FOR PETITIONERS' TO PROVIDE REQUESTED INFORMATION DESPITE ALLOWING PETITIONERS MORE THAN TWO AND A HALF MONTHS TO COMPLY WITH THE INITIAL REQUEST?

- IV) WHETHER THE COURT OF APPEALS ERRED IN FAILING TO APPLY THE DOCTRINE OF EQUITABLE TOLLING DESPITE ALLOWING PETITIONERS TO HAVE ADDITIONAL TIME TO COMPLY WITH ITS REQUEST?

STATEMENT OF THE CASE

This Petition for Writ of Certiorari comes after the Court of Appeals dismissed Appellants' Appeal for failure to comply with multiple orders of the Court of Appeals. On February 15, 2019, the Court of Appeals instructed Appellants to specifically address whether their motion for reconsideration to the Circuit Court was timely made and to provide specific dates for when Appellants received the orders on appeal. Instead of complying with the Court of Appeals' instructions, Appellants filed a series of motions for extensions. On May 2, 2019, the Court of Appeals issued another Order giving Appellants one last chance to comply with the Court of Appeals' prior orders and requiring Appellants to provide information regarding the timeliness of their appeal by May 10, 2019. When Appellants failed to comply, the Court of Appeals dismissed the appeal on May 14, 2019.

This appeal involves two consolidated actions arising out of an automobile accident that occurred on or about March 19, 2015 between a vehicle operated by appellant Heidi Gersten and a vehicle operated by Respondent Kevin Carter. On or about February 21, 2018, Heidi Gersten filed a Claim for Property Damage in the form of a property damage arbitration action in the Chester County Court. On March 15, 2018, Gersten, Ivanka Ayoub, and Daniel Hubbard filed a Summons and Complaint arising out of the same automobile accident in the Chester County Court of Common Pleas. The two actions were consolidated by an Order dated April 26, 2018.

Each respondent filed a motion to dismiss the claims in whole or in part.¹ The Circuit Court held a hearing on the various motions on September 5, 2018. On September 18, 2018, the Honorable John C. Hayes, III filed an Order Granting Defendants Kevin Carter's and Richard Davis' Motion to Dismiss. On September 19, 2018, Judge Hayes entered an Order Granting Defendant Interinsurance of the Exchange of the Automobile Club's Motion to Dismiss. On September 21, 2018, Judge Hayes entered an Order dismissing the claims against the South Carolina Department of Public Safety and Trooper Herbert Blackwell. On that same day, Judge Hayes entered a separate Order Granting Defendants Nationwide Insurance Company's and Joseph Tirbovich's Motion to Dismiss. On September 24, 2018, Judge Hayes entered an Order on Motion to Dismiss granting Trustguard Insurance Company's and John Ammendola's Motion to Dismiss.

Appellants Heidi Gersten and Ivanka Ayoub filed a Motion to Alter or Amend the various judgments on October 8, 2018 – twenty days after entry of the first dismissal order. The Motion did not state when Gersten and Ayoub received notice of entry of the orders.

¹ Respondent Kevin Carter filed a Motion to Dismiss certain causes of action, while all other respondents filed motions to dismiss the claims in their entirety.

On October 16, 2018, Judge Hayes entered a Form 4 Order denying Appellants' Motion to Reconsider.

On November 21, 2018, Petitioners served a Notice of Appeal on Respondents Carter and Davis, appealing the consolidation order, certain of the various orders of dismissal, and the denial of the motion to reconsider. (App'x to Pet. for Writ of Cert., 45–49). Petitioners' Notice of Appeal did not include the Order dismissing the claims asserted against Trustguard in their Notice of Appeal

Petitioners filed the Notice of Appeal with the Court of Appeals by fax on November 27, 2018 – more than 30 days after the entry of the October 16, 2018 Order denying their Motion to Alter or Amend and more than 10 days after serving the Notice of Appeal. (App'x to Pet. for Writ of Cert., 45–49). Petitioners then filed the Notice of Appeal with the clerk of the circuit court on November 29, 2018. The Notice of Appeal did not state the date on which Petitioners Gersten and Ayoub received written notice of entry of the orders.

On December 27, 2018, Respondent Interinsurance Exchange of the Automobile Club (hereinafter “AAA”) filed a Motion to Dismiss the appeal based, in part, on the Petitioners' failure to comply with South Carolina Appellate Court Rules and a failure to file and serve a Notice of Appeal regarding AAA. (App'x to Pet. for Writ of Cert., 101–35). Petitioners filed a return as to AAA's Motion to Dismiss on January 23, 2019.² (App'x to Pet. for Writ of Cert., 145–46). On January 31, 2019, Respondents Carter and Davis

² Petitioners thereafter filed a second and third Return on February 8, 2019 and February 19, 2019, respectively, due to deficiencies in the original Return allegedly noted in a letter from the Court dated January 25, 2019. (App'x to Pet. for Writ of Cert., 215–82). This letter does not appear on the docket for the South Carolina Court of Appeals and was not included in the Appendix to the Petition for Writ of Certiorari.

filed a Motion to Dismiss the appeal on the grounds that Petitioners did not timely file their Notice of Appeal with the Court. (App'x to Pet. for Writ of Cert., 148–210).

On February 15, 2019, the Court of Appeals sent a letter to Petitioners instructing Petitioners to address whether their Motion to Reconsider before the Circuit Court was timely filed, to provide specific dates of their receipt of written notice of the entry of the Orders they appealed, and to file a return to the motion to dismiss within ten days of the date of the letter. (App'x to Pet. for Writ of Cert., 213–14). Petitioners failed to provide the requested dates or a return to Carter's and Davis' Motion to Dismiss by February 15, 2019.

On March 1, 2019, Petitioners filed their first motion for an extension to file their Return to Carter's and Davis' Motion to Dismiss. (App'x to Pet. for Writ of Cert., 284). The Court of Appeals received a letter from Petitioners on March 12, 2019 in which Petitioners state they received an email on September 19, 2018 providing notice of the entry of the September 18, 2018 order dismissing their claims against AAA.³ (App'x to Pet. for Writ of Cert., 286–90). On March 12, 2019, the Court of Appeals also received an Affidavit from Petitioner Heidi Gersten. (App'x to Pet. for Writ of Cert., 292–303). This Affidavit contains a return to Carter's and Davis' Motion to Dismiss. (App'x to Pet. for Writ of Cert., 297–302). However, Petitioners still did not provide dates for their receipt of written notice of the entry of the April 26, 2018, September 18, 2018 Order dismissing Carter and Davis' claims, or the October 16, 2018 orders by their letter or in their return.

Petitioners thereafter continued to file no less than five Motions for extensions of time to file an amended return to Carter's and Davis' Motion to Dismiss. (App'x to Pet. for Writ of Cert., 305–309, 313–15). Two of these Motions were filed after an April 9, 2019

³ If Petitioners received written notice of entry of the Order on September 19, 2018, then the Motion to Reconsider filed on October 8, 2018 was not timely.

Order which granted an extension until April 15, 2019 and expressly stated no further extensions would be granted absent extraordinary circumstances. (App'x to Pet. for Writ of Cert., 311–15). Petitioners still did not provide dates for their written notice of entry of the April 26, 2018 and October 16, 2018 orders in any of these Motions. (App'x to Pet. for Writ of Cert., 305–09, 313–15).

On May 2, 2019, the Court of Appeals issued an Order requiring Petitioners to provide specific dates upon which Petitioners received written notice of the entry of the appealed orders by May 10, 2019. (App'x to Pet. for Writ of Cert., 317–18). Petitioners failed to do so. On May 14, 2019, the Clerk of the South Carolina Court of Appeals dismissed the Petitioners' appeal for failure to comply with the May 2, 2019 Order of the Court. (App'x to Pet. for Writ of Cert., 3–4).

Petitioners filed a motion to reinstate appeal or, alternatively, a petition for rehearing on May 29, 2019, along with an amended return to Carter's and Davis' Motion to Dismiss.⁴ (App'x to Pet. for Writ of Cert. 5). Even then, the motion and petition did not provide the information requested by the Court of Appeals in its February and May orders. On July 30, 2019, a three-member panel of the South Carolina Court of Appeals entered a unanimous opinion finding that there was no material fact or principle of law that was overlooked or disregarded in the initial determination of the Court of Appeals decision dismissing the appeal for Petitioners' failure to comply with the May 2, 2019 Order. (App'x to Pet. for Writ of Cert. 43–44). Thus, the Court of Appeals denied Petitioners' motion for reinstatement of their appeal and petition for rehearing. (App'x to Pet. for Writ of Cert. 43–44).

⁴ The Appendix to the Petition for Writ of Certiorari contains only the cover page of this Motion. However, the Appendix contains a second copy of this Motion which was filed with the Court of Appeals on May 31, 2019. (App'x to Pet. for Writ of Cert. 7–39).

On September 4, 2019, Petitioners filed with this Court a Motion for extension of time to file and serve their Petition for Writ of Certiorari.⁵ This Court granted Petitioners an extension to file their Petition by September 24, 2019. On September 24, 2019, Petitioners filed their Petition, arguing their case presents a novel question of law and merits certiorari review. (Pet. for Writ of Cert.).

ARGUMENT

I) THE COURT OF APPEALS PROVIDED REPEATED OPPORTUNITIES FOR THE PETITIONERS TO PROVIDE INFORMATION REQUESTED BY THE COURT OF APPEALS, YET PETITIONERS FAILED TO DO SO.⁶

The Court of Appeals sent a letter to Petitioners requesting information regarding their receipt of written notice of the entry of the appealed Orders, presumably to aid the Court of Appeals in deciding whether it had jurisdiction to hear Petitioners' appeals. The Court of Appeals first requested this information in the form of a letter dated February 15, 2019, requiring Petitioners to provide the information by February 25, 2019. (App'x to Pet. for Writ of Cert., 213–14). The deadline passed without Petitioners providing the information.

Petitioners filed no less than seven Motions for extension to file a return and amended return to Carter's and Davis' Motion to Dismiss – notably, without providing the dates of receipt of written notice for the orders, as requested by the February 15, 2019 letter

⁵ This Motion was untimely. Because the Court of Appeals ruled on Petitioners' Motion to Reinstate Appeal and Petition for Rehearing on July 30, 2019, Petitioners had until August 29, 2019 to file and serve their Petition for Writ of Certiorari. *See* Rule 242(c), *South Carolina Appellate Court Rules* (allowing the service and filing of a petition for writ of certiorari within thirty (30) days after the petition for rehearing or reinstatement is finally decided by the Court of Appeals).

⁶ Of the Petitioners' Questions Presented, Questions 1, 2, 3, 4, 5, 6, and 10 involve the propriety of the Court of Appeals' decision to dismiss Petitioners' appeal for noncompliance with the May 2, 2019 Order. Accordingly, Respondents address these questions together.

from the Court of Appeals. They only provided information regarding their notice of the September 18, 2019 order dismissing the claims against AAA. (App'x to Pet. for Writ of Cert., 286–90).

After numerous filings from Petitioners, each of which failed to provide the information requested by the Court of Appeals' February 15 letter, the Court of Appeals elevated its request by entering an Order requiring Petitioners to provide the requested information. The Court of Appeals warned that the information must be provided by May 10, 2019 or the appeal would be dismissed. When Petitioners failed to provide the required information, the Court of Appeals dismissed the case. Even after dismissal, Petitioners failed to provide the required information in their Petition for Rehearing or in their Petition before this Court.

“There is a limit beyond which the court should [not] allow a litigant to consume the time of the court and to prolong unnecessarily time, effort, and costs to defending parties.” *Georganne Apparel, Inc. v. Todd*, 303 S.C. 87, 92, 399 S.E.2d 16, 19 (Ct. App. 1990) (affirming a trial court's dismissal of a second lawsuit by a plaintiff after the plaintiff disregarded the trial judge's order dismissing the first lawsuit without prejudice and requiring the second lawsuit be limited to the causes of action asserted in the first). Petitioners' fourth question presented suggests Petitioners did not receive notice of the May 2, 2019 Order until after the deadline for compliance. However, Petitioners had two and a half months to provide the Court of Appeals with the requested dates before the Court of Appeals issued the Order. Their alleged untimely receipt of the May 2, 2019 Order had not prevented the Petitioners from complying with the request since the February 15, 2019 letter. They knew what the Court of Appeals sought and repeatedly failed to provide it, and they have continued to do so.

Although Petitioners eventually complied as to the September 18, 2018 order dismissing AAA, they continuously failed to provide the other requested dates. The Court of Appeals was within its authority to dismiss Petitioners' appeal for failure to comply with its Order due to the prolonged time and effort that resulted from Petitioners' delays. Moreover, because the information was necessary to establish the Court of Appeals' jurisdiction, Petitioners' failure to comply with the order prevented the Court of Appeals from being able to establish jurisdiction to hear the appeal. Furthermore, Petitioners could not demonstrate there was any material fact or principle of law that the Court of Appeals overlooked or disregarded. Therefore, the Court of Appeals was within its power to dismiss the appeal and to deny Petitioners' motion to reinstate the appeal or grant a rehearing.

II) PETITIONERS' REMAINING CLAIMS REGARDING THE INTERPRETATION OF "SHALL," THE AMERICANS WITH DISABILITIES ACT, AND EQUITABLE TOLLING ARE IRRELEVANT TO THE ISSUE OF THEIR NONCOMPLIANCE WITH THE COURT OF APPEALS' ORDER.

Through Petitioners' Questions 7, 8, and 9, they seem to challenge the Court of Appeals' decision to permit AAA to correct a filing fee issue with its motion to dismiss while not permitting Petitioners to have additional time – beyond the two and a half months they had – to comply with the Court of Appeals' request. Regardless of the Court of Appeals' discretion on these matters, the fact remains that Petitioners failed to comply with the Court of Appeals' request despite receiving repeated opportunities to do so.

A) THE COURT OF APPEALS HAS THE AUTHORITY TO ALLOW A LITIGANT TO CURE DEFICIENCIES IN A FILING BEFORE DISMISSING FILING OR APPEAL FOR NONCOMPLIANCE.

AAA's Motion to Dismiss was accompanied by the wrong filing fee, and the Court of Appeals issued a letter noting the deficiency and permitting AAA ten days to correct the

error. (App'x to Pet. for Writ of Cert., 139). Petitioners seem to be challenging what they consider disparate treatment – the Court of Appeals permitted AAA to cure the deficient filing fee for their Motion to Dismiss while not providing additional extensions (after the seven or more previous extensions requested by Petitioners) – for Petitioners to provide requested information to the court. The basis for Petitioners' challenge is an alleged misinterpretation of “shall” within the court's rules as a permissive term. Notably, Petitioners do not provide a particular rule of the *South Carolina Appellate Court Rules* that they believe the Court of Appeals misinterpreted.

Nevertheless, appellate courts routinely alert counsel and pro se litigants alike when deficiencies appear in their filings, providing an opportunity for the litigants to cure the deficiency before the courts withdraw the filing or dismiss the appeal entirely. *See, e.g., Henning v. Kaye*, 307 S.C. 436, 437–38, 415 S.E.2d 794, 794 (1992) (denying Respondents' motion to dismiss the appeal due to Appellant's failure to comply with rules regarding organization and structure of brief and ordering Appellant to serve and file a compliant brief within fifteen days). Although the Court of Appeals *could* have dismissed AAA's Motion to Dismiss for the deficiencies, the Court of Appeals provided an opportunity for AAA to cure – just as it provided multiple opportunities to Petitioners to comply with its request and Order before it dismissed the appeal entirely due to their noncompliance.

B) THE AMERICANS WITH DISABILITIES ACT DOES NOT REQUIRE THE COURT OF APPEALS TO PROVIDE LIMITLESS OPPORTUNITIES FOR PETITIONERS TO COMPLY WITH ORDERS OF THE COURT.

In several of their numerous motions for extension of time filed with the Court of Appeals, Petitioners asserted that Title II of the Americans with Disabilities Act (“ADA”)

permits modifications to the court rules to accommodate her as she suffers a disability.⁷ However, the Court of Appeals permitted Petitioners to continue filing motions for extension of time for almost two months after its February 15, 2019 request for information. Petitioners filed multiple requests for extensions, and they could easily have provided the information requested by the Court of Appeals in any of those requests, but they did not. The Court of Appeals granted Petitioners an extension on April 9, 2019, but Petitioners still failed to provide the requested information to the Court of Appeals.

Petitioners claim that compliance with the May 2, 2019 Order was impossible because they continuously received correspondence and Orders from the Court of Appeals after the deadline for compliance with the requests had passed. (Pet. for Writ of Cert.). However, when Petitioners were delayed in filing their return to AAA's Motion to Dismiss, they filed an untimely return along with a motion requesting that the Court of Appeals accept the untimely filing. (App'x to Pet. for Writ of Cert., 215–82). Thus, they had previously attempted to provide necessary yet untimely filings in the past. Still, after the Court of Appeals requested additional information of them, they repeatedly filed motions for extension, rather than even attempting to provide the information requested after the deadlines had passed.

Moreover, the Court of Appeals permitted Petitioners to extend their time for complying with the court's request for two and a half months before the Court of Appeals issued the May 2, 2019 Order giving Petitioners a last chance. Petitioners have not

⁷ Although Petitioners have not included the complete filings of their various motions for extension within the Appendix, Petitioners' assertions regarding the ADA can be found in the affidavits accompanying their motions filed with the Court of Appeals on March 21, 2019; March 28, 2019; April 8, 2019; April 18, 2019; and April 29, 2019. Notably, the April 18 and April 29 Motions asserting entitlement to modifications of court rules under the ADA were filed after the April 9, 2019 Order of the Court of Appeals granting Petitioners a final extension to answer.

demonstrated how the Court of Appeals' patience in this matter does not constitute an accommodation under Title II of the ADA. More importantly, Petitioners fail to provide any explanation for why they were able to put together and file multiple motions for extensions of time, but that their disabilities somehow prevented them from providing the information ordered by the Court of Appeals.

C) EQUITABLE TOLLING IS INAPPLICABLE TO DEADLINES FOR COMPLIANCE WITH THE *SOUTH CAROLINA APPELLATE COURT RULES* OR ORDERS OF THE COURT OF APPEALS.

Petitioners assert the Court of Appeals should have applied equitable tolling to their appeal. However, equitable tolling is inapplicable to the Petitioners' case, primarily because it "typically applies in cases where the litigant was *prevented from filing suit* because of an extraordinary event beyond his or her control." *Hooper v. Ebenezer Sr. Services and Rehabilitation Center*, 386 S.C. 108, 116, 687 S.E.2d 29, 32 (2009) (quotations and citation omitted) (emphasis added). Because equitable tolling stays the statute of limitations governing the *initiation* of a lawsuit, it does not apply to filing deadlines 1) prescribed by the *South Carolina Appellate Court Rules* or 2) set forth in an Order by the Court of Appeals.

As to the filing of the appeal, this Court has determined that the initiation of an appeal is a jurisdictional defect that cannot be cured. *Sadisco of Greenville, Inc. v. Greenville County Board of Zoning Appeals*, 340 S.C. 57, 59, 530 S.E.2d 383, 384 (2000) (holding that the Court has no authority to extend or expand the time for filing the notice of appeal and the failure to timely file a notice of appeal is a jurisdictional defect); *see also* Rule 263(b), *South Carolina Appellate Court Rules*. Accordingly, for the Court of Appeals to have applied equitable tolling to the filing Petitioners' appeal would have required the Court of Appeals to stand against the *South Carolina Appellate Court Rules* as well as this

Court's precedent. Moreover, equitable tolling is a defense to the expiration of a statute of limitations and does not apply to deadlines that occur after the filing of a lawsuit. So, the Court of Appeals would have been breaking new ground to equitably toll deadlines regarding the filing of the appeal, not to mention any deadlines after the appeal was filed.

Even still, Rule 263(b) of the *South Carolina Appellate Court Rules* permits the Court of Appeals to extend or shorten any time for performing any act before the court, except the filing of the appeal. Petitioners had over two and a half months from the February 15, 2019 request for the information before the Court of Appeals issued the May 2, 2019 Order. After the Petitioners missed the initial February 25, 2019 deadline for the information, the Petitioners continued to request – and, in April, the Court of Appeals ultimately granted – an extension to answer. While the Court of Appeals could have permitted Petitioners yet another extension to provide the information it had requested in February, the Court of Appeals was not required to do so. Instead, it entered an Order requiring the information, and the Petitioners again failed to comply. Petitioners cannot show they were entitled to equitable tolling before the Court of Appeals.

III) PETITIONERS' CASE DOES NOT PRESENT A NOVEL QUESTION OF LAW SUCH THAT THE RESOLUTION OF THE ISSUE WOULD BEST SERVE THE INTERESTS OF JUDICIAL ECONOMY.

Regardless of the Petitioners' noncompliance with the May 2, 2019 Order, writ of certiorari “will be granted only where there are special and important reasons.” Rule 242(b), *South Carolina Appellate Court Rules*. For example, certiorari review is appropriate where there is a strong public interest in an answer to a novel question of law and such review would best serve interests of judicial economy. *See Lafitte v. Bridgestone Corp.*, 381 S.C. 460, 471–72, 674 S.E.2d 154, 160–61 (2009) (granting writ of certiorari review where the novel issue at the heart of an Order compelling discovery had been the

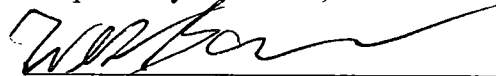
subject of multiple claims in state and federal court and the Supreme Court's resolution of the issue upon a grant of writ of certiorari would best serve the interests of judicial economy in light of the multiple cases involving the issue). Petitioners assert that the novel issue involved in this case is the propriety of the Form 4 Order of April 26, 2018 that consolidated their arbitration claim with their tort case in the Chester County Court of Common Pleas. (Pet. for Writ of Cert., 3).

However, Petitioners' case does not present a question of law sufficient to merit this Court's review after the Court of Appeals dismissed the Petitioners' appeal. The requirement that a Court of Appeals have jurisdiction to hear an appeal is not a novel issue. Likewise, a party's responsibility to comply with orders of the Court requesting information pertinent to the Court's jurisdiction is not a novel issue. This case does not involve a novel question of law. Thus, certiorari review should be denied.⁸

CONCLUSION

For the above-stated reasons, Respondents respectfully request this Court deny Petitioners' Petition for Writ of Certiorari.

Respectfully submitted,



Wesley B. Sawyer, Esquire
SC Bar No. 100229
Murphy & Grantland, P.A.
P.O. Box 6648
Columbia, SC 29260
(803) 782-4100

⁸ Petitioners seek a writ of certiorari explicitly on the grounds of the existence of a novel question of law and raise no other grounds. (Pet. for Writ of Cert., 3). Moreover, the other established grounds for a writ of certiorari likewise are not present here. The decision of the Court of Appeals involved no dissent or conflict with prior decision of the South Carolina Supreme Court, no substantial constitutional issue is involved in this case, and the Court of Appeals did not decide a federal question in conflict with a decision of the United States Supreme Court. *See* Rule 242(b), *South Carolina Appellate Rules*. Accordingly, no grounds for a writ of certiorari exist in this case.

Attorney for Respondents Kevin Carter and
Richard Davis



Reynolds Williams, Esquire *w/Permission*

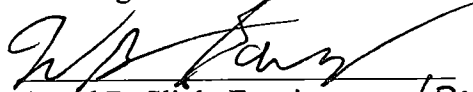
SC Bar No. 006153

P. O. Box 1909

Florence, SC 29503-1909

(843) 662-3258

Attorney for Respondent Interinsurance
Exchange of the Automobile Club



David R. Sligh, Esquire *w/Permission*

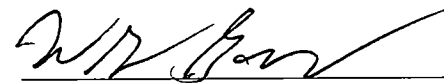
SC Bar No. 77493

P. O. Box 2116

Myrtle Beach, SC 29578

(843) 213-5519

Attorneys for Respondents Nationwide
Mutual Ins. Co. and Joseph Tirbovich



Peter H. Dworjanyn, Esquire *w/Permission*

SC Bar No. 12950

Collins & Lacy, PC

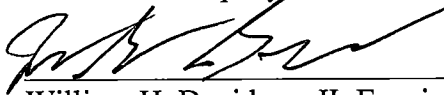
1330 Lady Street, 6th Floor (29201)

P. O. Box 12487

Columbia, SC 29211

(803) 255-0404

Attorneys for Respondents Trustguard
Insurance Company and John Ammendola



William H. Davidson, II, Esquire *w/Permission*

SC Bar No. 1558

Davidson & Lindemann, PA

P. O. Box 8568

Columbia, SC 29202

(803) 806-8222

Attorneys for Respondents SC Dept. of
Public Safety and Herbert Blackwell

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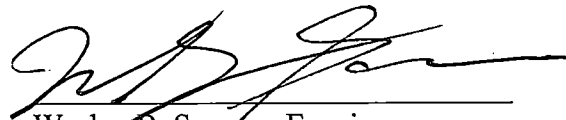
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Kevin Carter, Richard Davis, Joseph Tirbovich, Nationwide Mutual Insurance Co.,
Interinsurance Exchange of the Automobile Club, Trustgard, John Ammendola,
Blackwell, SC Department of Public Safety, Unknown John
Does, Respondents.

PROOF OF SERVICE

I certify that I have served the Joint Return to Petition for Writ of Certiorari by depositing a copy of it in the United States Mail, postage prepaid, on October 23, 2019, addressed to all attorneys of record listed below.

October 23, 2019



Wesley B. Sawyer, Esquire
Murphy & Grantland, P.A.
P.O. Box 6648
Columbia, SC 29260
(803) 782-4100

Attorney for Respondents Kevin Carter and
Richard Davis

Heidi Gersten
Ivanka Ayoub
1438 W. Lantana Rd., #330
Lantana, FL 33462
(323) 245-6142
Appellants

Other Counsel of Record:
David R. Sligh, Esquire
P. O. Box 2116
Myrtle Beach, SC 29578
(Attorney for Nationwide Mutual Ins. Co.)
(Attorney for Joseph Tirbovich)
(843) 213-5519

Peter H. Dworjanyn, Esquire and
Michael R. Burchstead, Esquire
Collins & Lacy, PC
1330 Lady Street, 6th Floor (29201)
P. O. Box 12487
Columbia, SC 29211
(Attorneys for Trustguard Insurance Company
And John Ammendola)
(803) 255-0404

Reynolds Williams, Esquire
P. O. Box 1909
Florence, SC 29503-1909
(Attorney for Defendant Interinsurance
Exchange of the Automobile Club)
(843) 662-3258

William H. Davidson, II, Esquire
Davidson & Lindemann, PA
P. O. Box 8568
Columbia, SC 29202
(Attorneys for SC Dept. of Public Safety
And Herbert Blackwell)
(803) 806-8222