

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM CHESTER COUNTY
Court of Common Pleas

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

C.A. No: 2018-002115 (Appellate Court of Appeals)
2019-001484 (Supreme Court)

Heidi Gersten, Ivanka Ayoub, Daniel Hubbard, Plaintiffs,

Of whom Heid Gersten and Ivanka Ayoub are Petitioners,

v.

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.

**MOTION FOR EXTENSION OF TIME TO FILE AND SERVE
PETITIONERS' REPLY**

Heidi Gersten, Ivanka Ayoub
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Lantana, FL 33462
(323) 245-6142
(561) 756-9820 FAX
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November 4, 2019

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S.C. SUPREME COURT

The Petitioners, Heidi Gersten, Ivanka Ayoub move this court for an extension of time to serve and file a Reply.

The Reply is due on November 4, 2019 (10 days from the Defendants' joined return claimed to have been served on October 23, 2019, making November 2, 2019 the actual due date however that was a Saturday which carries over to the next business day of Monday, November 4, 2019) in said case, to be served and filed however due to Petitioner Gersten's illness of her left buttock's wound reopening due to extensive aggravated sitting in pursuit of complying with the law and other pending litigation case loads outside of this suit before you, in addition to her already extreme hardships suffered from being paralyzed as a result of the controversy in action, an extension of no more than seven (7) days is requested and is necessary to file and serve the reply. By the undersigned's calculations, this would extend the deadline for filing and serving the reply to November 11, 2019, with a grant.

This is not made to cause unnecessary delay. This is made in an attempt to follow the rules. This Court's Order No: 2014-07-16-01 permits this extension, as well as SCACR 263(b), Title II of the American Disabilities Act and Equitable Tolling.

This Court permitted an amended petition for writ of certiorari to be served and filed in Case No: 2017-002402, *The State v. Damyon Cotton* and no one who participated was paralyzed with the appearance of insurmountable handicaps as in this case. On behalf of Honorable Chief Justice Donald W. Beatty, Honorable Associate Justice Kaye Gorenflo Hearn, Honorable Associate Justice John Cannon

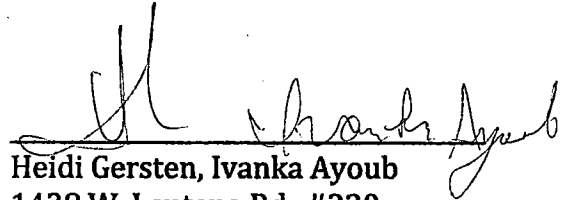
Few and Honorable Associate Justice George C. James, Honorable Associate Justice John W. Kittredge stated that, "...We always enjoy someone coming for the first time." He commended the attorneys for their preparation and presentations. This is the Petitioners first time before this Court.

This Court graciously granted an extension of time to serve and file the petition for writ of certiorari in this case with an additional six (6) days above the requested twenty (20) days.

The extra days are to submit a prepared and well thought-out reply to the overwhelming number of misrepresented facts and allegations that primarily revolve around timeliness and first-impression public policy issues that will be addressed with precision and clarity in the forthcoming reply with a grant.

In the spirit of fairness and positive public perception of this Court's authority to make independent decisions, a grant of the seven (7) days is reasonable under the circumstances presented.

Respectfully submitted,



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C.A. No: 2018-002115

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 Co.,
Interinsurance Exchange of the Automobile Club, Trustgard, John Ammendola,
Blackwell, SC Department of Public Safety, Unknown John Does,.....Respondents,

PROOF OF SERVICE

This is to certify that this day, the undersigned, over 18 years of age and not a party to the said action has served the following named individuals, counsel for the Respondents, in the foregoing matter, the foregoing Petitioner's Motion for Extension of Time to File and Serve the Petitioner's Reply by depositing (mailing) a copy of same to them in the United States Post Office mail, with sufficient postage affixed thereto(thereon) to ensure delivery and return address clearly marked on the date indicated below, addressed as follows:

Wesley Brian Sawyer, Esquire

Murphy & Grantland, P.A.
4406-B Forest Drive
Columbia SC 29206
Attorney for Respondents Kevin Carter & Richard Davis

David R. Sligh
P.O. Box 2116
Myrtle Beach, SC 29578
Attorney for Respondent Nationwide Mutual Insurance Company

Reynolds Williams
P.O. Box 1909
Florence, SC 29503-1909
Attorney for Respondent Interinsurance Exchange of the Automobile Club

Alexander S. Gogsette
P.O. Box 5478
Florence, SC 29502
Attorney for Respondent Joseph Tirbovich

Peter H. Dworjanyn, Esquire and
Michael R. Burchstead, Esquire
Collins & Lacy, PC
P.O. Box 12487
Columbia, SC 29211
Attorney for Respondents Trustgard & Ammendola

William H. Davidson II, Esquire
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Columbia, SC 29202
Attorneys for Respondents Department of Public Safety & Trooper Herbert
Blackwell



Phyllis Garcia
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The Honorable Daniel Shearouse
Clerk of Court, South Carolina Supreme Court
Supreme Court Building
1231 Gervais Street
Columbia, SC 29201

Re: 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 Co.,
Interinsurance Exchange of the Automobile Club, Trustgard, John Ammendola,
Blackwell, SC Department of Public Safety, Unknown John Does.....Respondents.

Supreme Court Case No: 2019-001484 / Court of Appeals Case No: 2018-002115

Dear Mr. Shearouse or To Whom It May Concern:

Good day to you!

Enclosed for filing, please find an original and seven (7) copies of Petitioners' Motion to Extend time to file and serve Reply, together with Proof of Service of same and United States Postal Service money order in the amount of \$50.00 made payable to the SC Supreme Court for said motion. Please return clocked or file-stamped copies in the enclosed self-addressed prepaid stamped envelope.

By copy of this letter, a copy of the fore-mentioned is served on all counsel of record. Please call the above number if you have any questions. Thank you for your time and assistance regarding this matter.

Respectfully submitted,


Heidi Gersten, Ivanka Ayoub
Appellants/Petitioners

Enclosures

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**RETURN RECEIPT
REQUESTED**



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THE Honorable Daniel Shearouse
Clerk of Court, South Carolina Supreme Court
Supreme Court Building
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Columbia, SC 29201