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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM YORK COUNTY
Daniel D. Hall, Special Circuit Court Judge

Appellate Case No. 2019-000359
Case No. 2017-CP-46-0302

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NOV 19 2019
SC Court of Appeals

David Miller, Appellant,

v.

ENT & Face, P.A. and Brian Wilson, M.D., Respondents.

**MOTION FOR EXTENSION OF TIME TO
FILE INITIAL BRIEF OF RESPONDENTS**

The Respondents ENT & Face, P.A. and Brian Wilson, M.D. respectfully moves this Court for an additional 30-day extension of time until December 20, 2019, by which to file and serve their Initial Brief and Designation of Matter to be Included in the Record on Appeal.

The Respondents' motion is based on the following grounds:

1. The Respondents' Initial Brief is currently due to be filed and served on November 20, 2019.

2. The undersigned counsel for the Respondents requires this additional time to complete the preparation and drafting of the Respondents' Initial Brief because of delay resulting from an emergency medical issue involving a family member out of town which prevents counsel from meeting the current deadline. In addition, the undersigned counsel has oral argument before the Supreme Court on November 21, 2019, and another appellate brief due on November 22, 2019. The undersigned counsel is also scheduled to be on vacation during the week of November 25, 2019, for the Thanksgiving holiday.

3. Counsel for the Appellant has been consulted and has consented to the requested extension. (See attached email).

WHEREFORE, the Respondents ENT & Face, P.A. and Brian Wilson, M.D. respectfully request that they be allowed until December 20, 2019, by which to file and serve their Initial Brief and Designation of Matter to be Included in the Record on Appeal.

LINDEMANN, DAVIS & HUGHES, P.A.

BY: 

ANDREW F. LINDEMANN #13030
5 Calendar Court, Suite 202
Post Office Box 6923
Columbia, South Carolina 29260
(803) 881-8920

-and-

HUTSON S. DAVIS, JR. # 1597
S. HARRISON WILLIAMS # 102410
JOHNSON & DAVIS, P.A.
10 Pinckney Colony Road
Victoria Building Suite 200
Bluffton, South Carolina 29909
(843) 815-7121

Counsel for Respondents

November 19, 2019

Andrew Lindemann

From: Whitney Harrison <wharrison@mcgowanhood.com>
Sent: Tuesday, November 19, 2019 9:03 AM
To: Andrew Lindemann
Subject: RE: Miller vs. Wilson Appeal - IMPORTANT

Andrew,

I'm so sorry to hear about your mother. I hope that she is feeling better. You can absolutely have 15 days, but I wish you would take 30, especially with the Thanksgiving holiday approaching. A couple extra weeks is of no consequence in the grand scheme of things, and not having this looming in the back of your mind is way more important while you help support your mom and prep for argument.

I'm so glad you will be able to be with your mother. No one should be alone while they are in the hospital. Good luck with the oral argument. The Supreme Court has seemed extra intense lately, in my opinion. Hope to see you soon.

WBH

From: Andrew Lindemann <Andrew@LDH-Law.com>
Sent: Tuesday, November 19, 2019 8:52 AM
To: Whitney Harrison <wharrison@mcgowanhood.com>
Subject: Miller vs. Wilson Appeal - IMPORTANT
Importance: High

Whitney:

I hate to ask for another favor, but I got to. My initial brief is due tomorrow and I'd like to get an additional 15 days if possible. My elderly mother had a bad fall and was hospitalized this past weekend up in Greenville. I got back late last night and will probably need to go back up there tonight and/or tomorrow. I also have an oral argument in the Supreme Court on Thursday and another brief due on Friday. I promise this will be the last extension request, but I really could use it.

I want to try to get the motion filed this morning, if possible.

Thanks for your courtesies.

Andrew

CERTIFICATE OF SERVICE

The undersigned employee of Lindemann, Davis & Hughes, P.A., counsel for the Respondents, does hereby certify that service of the **Motion for Extension of Time to File Initial Brief of Respondents** was made upon all counsel of record by placing copies in the United States Mail, first class postage prepaid, at the below listed addresses clearly indicated on said envelopes this the 19th day of November 2019:

Chad A. McGowan, Esquire
Eve S. Goodstein, Esquire
McGowan, Hood & Felder, LLC
1539 Healthcare Drive
Rock Hill, South Carolina 29732

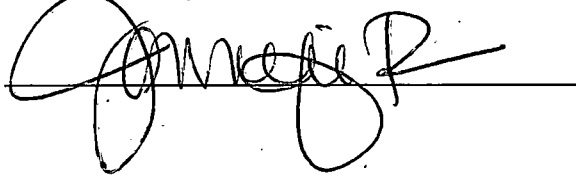
Whitney B. Harrison, Esquire
McGowan, Hood & Felder, LLC
1517 Hampton Street
Columbia, South Carolina 29201

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SC Court of Appeals

Hutson S. Davis, Jr., Esquire
S. Harrison Williams, Esquire
Johnson & Davis, P.A.
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Bluffton, South Carolina 29909



A handwritten signature in black ink, appearing to read 'Chad A. McGowan', is written over a horizontal line.



**LINDEMANN
DAVIS &
HUGHES**

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November 19, 2019

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Of Counsel

STEVEN R. SPREEUWERS
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Via Hand Delivery

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RE: David Miller v. ENT & Face, P.A. and Brian Wilson, M.D.
Appellate Case Number: 2019-00359
Civil Action Number: 2017-CP-46-0302
Our File Number: 79.20150

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SC Court of Appeals

Dear Ms. Kitchings:

Please find enclosed for filing the original and seven copies of the **Motion for Extension of Time to File Initial Brief of Respondents** in the above referenced matter. Please file the original and return a clocked-in copy to me by way of my courier. I have also enclosed my firm's \$50.00 check for the filing fee. By copy of this letter, I am serving copies on all counsel of record.

Thank you for your assistance in this matter. If you have any questions, please advise.

Thank you for your assistance with this matter.

Sincerely,

LINDEMANN, DAVIS & HUGHES, P.A.

Andrew F. Lindemann

AFL/jmb
Enclosures

The Honorable Jenny Abbott Kitchings
November 19, 2019
Page Two

cc: (w/ Enclosure)

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