

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM LEXINGTON COUNTY  
Court of Common Pleas

Robin B. Stilwell, Circuit Court Judge

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Appellate Case No. 2019-001501

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James John Todd Kincannon,

Appellant,

v.

Ashely Suzanne Griffith,  
Moore Taylor Law Firm, P.A.,  
Vance Stricklin, and Amber  
Fulmer,

Respondents.

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JAN 08 2020  
SC Court of Appeals

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**REQUEST FOR REASONABLE ACCOMODATION RE INITIAL  
BRIEF AND DESIGNATION MATTER FILING DEADLINE  
PURSUANT TO THE AMERICANS WITH DISABILITIES ACT**

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Other Counsel of Record:  
Ward Bradley  
Moore Taylor Law Firm  
1700 Sunset Blvd.  
West Columbia, SC  
Attorney for Respondents

James John Todd Kincannon  
216 Jones Avenue  
Simpsonville, SC 29681  
864-963-4374  
ToddKincannon@gmail.com  
Appellant Pro Se

**REQUEST FOR REASONABLE ACCOMODATION RE INITIAL  
BRIEF AND DESIGNATION MATTER FILING DEADLINE  
PURSUANT TO THE AMERICANS WITH DISABILITIES ACT**

Appellant respectfully requests the Court extend the time required for Appellant to file his initial brief and designation of matter to be included in the record on appeal to March 2, 2020, a forty-five day extension. Appellant received the transcript on December 16, 2019, which would make the initial brief and designation of matter due on January 15, 2020. Appellant respectfully requests this deadline be extended forty-five days to March 2, 2020 (because February 29, 2020 is a weekend day). The basis of Appellant's request is as follows:

1. This request is made as a reasonable accommodation request pursuant to the Americans with Disabilities Act on the grounds that Appellant suffers from severe psychological limitations, including but not limited to untreatable attention deficit disorder, bipolar disorder, and other psychiatric maladies that Appellant respectfully requests to submit to the Court under seal if necessary.
2. These psychological disabilities, which qualify as disabilities necessitating accommodation under the Americans with Disabilities Act, severely impact Appellant's ability to perform litigation tasks within ordinary deadlines, particularly litigation tasks which require drafting of lengthy litigation filings such as appellate briefs.
3. Accommodation is necessary to give Appellant a full and fair opportunity in this situation, and the accommodation requested is indisputably reasonable. Appellate brief extensions of thirty days are routinely granted by South Carolina appellate courts for all sorts of conventional reasons, and the additional fifteen

days requested by Appellant is trivial given the nature of this appeal. There is no urgency associated with this appeal for either side, and opposing counsel will in no way be prejudiced by either a thirty-day extension or a forty-five-day extension.

4. Further, Appellant's accommodation request is in line with extensions granted by this Court in this case and by other courts in other cases. In most situations, Appellant requires approximately two and a half times as many days to handle litigation matters as an ordinary litigant without disabilities would (and sometimes longer in situations where other litigation demands also exist and serve as a distraction). Appellant is also capable of performing simple litigation tasks in the ordinary time or even less time, such as preparing a boilerplate notice of appeal or something of that nature. Appellate briefs fall into the category of something that Appellant needs extra time to complete due to their nature.

5. Accordingly, Appellant respectfully requests the Court extend the deadline for preparing and submitting Appellant's initial brief and designation of matter by forty-five days to March 2, 2020 as a reasonable accommodation request pursuant to the Americans with Disabilities Act.

6. Should the Court require it, Appellant will be happy to submit supporting documentation as requested by the Court if necessary, but Appellant respectfully requests—to protect his medical privacy—that any requirement to submit additional supporting materials regarding his medical status be accompanied by an order sealing such filings and proceedings related to them. Appellant respectfully submits that it is the general practice of South Carolina courts to seal

materials in situations of this nature, where an Appellant's psychiatric condition is at issue, and Appellant makes this request on these grounds together with his federal and state constitutional and statutory rights to medical privacy.

**NOTE REGARDING FILING FEE FOR THIS REQUEST**

Appellant believes, based on communications with Court Administration in prior matters and based on federal law, that there is no filing fee associated with this request for reasonable accommodation pursuant to the Americans with Disabilities Act. Should the Court conclude otherwise and require a filing fee be paid, Appellant respectfully requests this case be stayed until a federal court can determine whether a filing fee for this reasonable accommodation request is permitted under federal law, including but not necessarily limited to the Americans with Disabilities Act. Appellant will file a declaratory judgment action seeking a ruling on that matter within thirty days of this Court's ruling that a filing fee is required of this request and will transmit a copy of the filed federal action to the Court for filing in this action.

**CONCLUSION**

Appellant respectfully requests the foregoing relief.

Respectfully submitted,

January 6, 2020



James John Todd Kincannon  
216 Jones Avenue  
Simpsonville, SC 29681  
864-963-4374  
ToddKincannon@gmail.com  
Appellant Pro Se

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**CERTIFICATE OF SERVICE**

The undersigned Appellant hereby certifies that he has, on the date below, properly served the foregoing on opposing counsel at the address submitted by opposing counsel to the Court for service in this case.

January 6, 2020

  
James John Todd Kincannon  
Appellant Pro Se

91851

**James John Todd Kincannon**  
216 Jones Avenue  
Simpsonville, SC 29681  
ToddKincannon@gmail.com

January 6, 2019

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SC Court of Appeals

South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

Re: James Kincannon v. Ashely Griffith, Appellate Case No. 2019-001501  
Filing Fee and ADA Request for Accommodation re Deadlines

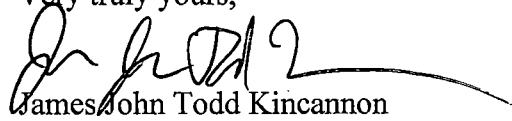
Ladies and Gentlemen:

Please find enclosed a money order for \$250 to cover the filing fee in this matter, which was provided as a loan by a third party to this matter who expects the loan to be repaid. Please be advised that this filing fee payment does not moot further proceedings on whether a filing fee is actually due in this matter. Further proceedings, including but not necessarily limited to adjudication of my motion for reconsideration of the order denying leave to proceed IFP, are necessary to determine whether a refund is due.

Please also find enclosed a request pursuant to the Americans with Disabilities Act for reasonable accommodation with respect to the briefing and related deadlines in this matter. My understanding from Court Administration is that there is no filing fee associated with requests for disability accommodation and that any such filing fee would be prohibited by federal law. Please advise if you disagree and contend that a filing fee is due for ADA accommodation requests.

Please also advise if any further documentation of my disability is required by the Court. If so, I would request the Court issue an order sealing all further proceedings on the disability issue to protect my medical privacy rights regarding psychiatric disabilities.

Very truly yours,

  
James John Todd Kincannon

Enclosures: Money Order (to the Court only)  
ADA accommodation request (to the Court and to opposing counsel)

cc: Ward Bradley (opposing counsel)



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JAN 08 2020

SC Court of Appeals

S.C. Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

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