

92385

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

Robin B. Stilwell, Circuit Court Judge

Appellate Case No. 2019-001415
Case No. 2018-CP-23-05985

RECEIVED
MAR 10 2020
SC Court of Appeals

W. Clark Jernigan, M.D.Respondent,

v.

St. Francis Physician Services, Inc.Appellant.

**APPELLANT’S CONSENT MOTION FOR ADDITIONAL TIME
TO FILE INITIAL REPLY BRIEF**

Pursuant to Rules 240 and 263(b), SCACR, and with the consent of Respondent W. Clark Jernigan, M.D., Appellant St. Francis Physician Services, Inc., by and through undersigned counsel, respectfully moves for a 14-day extension of time in which to file its initial reply brief. If the extension is granted, Appellant’s initial reply brief would be due on Monday, March 30, 2020. In support of this motion, Appellant states as follows:

1. Respondent served his initial Respondent’s brief and designation of matter on March 5, 2020. Accordingly, and pursuant to Rule 208(a)(3), SCACR, Appellant’s initial reply brief is due on Monday, March 16, 2020.

2. Rule 208(a)(3), SCACR, provides that the appellant’s initial reply brief must be served and filed no more than ten days after service of the respondent’s initial brief. Because

Respondent's initial brief was served on a Thursday the ten-day period under Rule 208(a)(3) includes two weekends, leaving Appellant with only six business days in which to prepare its initial reply brief.

3. Due to undersigned counsel's court schedule and workload, additional time is needed for preparation of Appellant's initial reply brief. Among other things, during the current week lead counsel for Appellant is defending a third party in expedited discovery proceedings related to a request for temporary restraining order. Additionally, and specific to this appeal, counsel has a deadline of Friday, March 13 to file (in the circuit court) a reply brief in support of a motion for protective order and is preparing for the continuation of Respondent's deposition, scheduled for March 17.


4. This motion is made in good faith, and the requested extension is not being sought merely for purposes of delay.

5. Prior to the filing of this motion, undersigned counsel consulted with Respondent's counsel, who stated that Respondent consents to the requested extension.

6. Appellant requests an extension of 14 days from the current deadline of March 16, 2020, such that its initial reply brief would be due on or before March 30, 2020. This is Appellant's first request for an extension of time to file its reply brief.

WHEREFORE, Appellant respectfully requests an extension to March 30, 2020, to file its initial reply brief.

Respectfully submitted,

 with express permission

Matthew B. Roberts, SC Bar No. 8856

mroberts@nexsenpruet.com

Nikole Setzler Mergo, SC Bar No. 68010

nmergo@nexenpruet.com

Ashley Robertson Parr, SC Bar No. 101346

aparr@nexsenpruet.com

NEXSEN PRUET, LLC

1230 Main Street, Suite 700 (29201)

Post Office Drawer 2426

Columbia, South Carolina 29202

Telephone: (803) 771-8900

Facsimile: (803) 253-8277

March 10, 2020
Columbia, South Carolina

*Attorneys for Appellant
St. Francis Physician Services, Inc.*

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

Robin B. Stilwell, Circuit Court Judge

Appellate Case No. _____
Case No. 2018-CP-23-05985

RECEIVED
MAR 10 2020
SC Court of Appeals

W. Clark Jernigan, M.D.Respondent,


v.

St. Francis Physician Services, Inc.Appellant.

PROOF OF SERVICE

I hereby certify that a copy of *Appellant's Consent Motion for Additional Time to File Initial Reply Brief* has been served upon Respondent's counsel pursuant to Rule 262(b), SCACR, by hand delivery, on the 10th day of March, 2020, addressed as shown below:

Henry L. Parr, Jr., Esquire
James E. Cox, Jr., Esquire
200 East Camperdown Way
Greenville, South Carolina 29602
hparr@wyche.com
jcox@wyche.com

 with express pe

Nikole Setzler Mergo, SC Bar No. 68010
NEXSEN PRUET, LLC
1230 Main Street, Suite 700 (29201)
Post Office Drawer 2426
Columbia, South Carolina 29202

March 10, 2020
Columbia, South Carolina

March 10, 2020

VIA HAND DELIVERY

The Honorable Jenny Abbott Kitchings
Clerk of Court
The South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201

Re: *W. Clark Jernigan v. St. Francis Physician Services, Inc.*
Appellate Case No. 2019-001415

Dear Ms. Kitchings:

Enclosed please find an original and two copies each of the *Appellant's Consent Motion for Additional Time to File Initial Reply Brief* in the above-referenced matter. I am also enclosing a check in the amount \$50.00 for the required filing fee. Please file the original and return the extra filed, stamped copies to our courier.

By copy of this letter and as further evidenced by the Proof of Service respondent's attorneys are being served.

Please contact me if you need anything further. Thank you for your assistance in this matter.

Very truly yours,



Nikole Setzler Mergo

NSM/fch
Enclosures
cc (w/Enclosures): Henry L. Parr, Jr., Esquire
James E. Cox, Jr., Esquire