

THE STATE OF SOUTH CAROLINA
In The Court Of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

HONORABLE H.W. FUNDERBURK, JR., ADMINISTRATIVE LAW JUDGE

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CASE NO. 17-ALI-17-0060-CC
APPELLATE CASE NO. 2019-001933

MAR 24 2020

SC Court of Appeals

McEntire Produce, Inc.,.....Respondent,

v.

South Carolina Department of Revenue,.....Appellant.

**APPELLANT’S MOTION FOR EXTENSION OF TIME TO FILE
APPELLANT’S REPLY BRIEF**

Pursuant to Rule 240 of the South Carolina Appellate Court Rules, Appellant South Carolina Department of Revenue (“Department”) respectfully requests a twenty (20) day extension of time, from the date of the Department’s current due date, in which to file its reply brief in the above-referenced matter. The Department’s reply brief is currently due on April 2, 2020. For the reasons detailed below, the Department respectfully requests an order granting an extension to file its reply brief up to and including Wednesday, April 22, 2020.

On March 19, 2020, Governor Henry McMaster issued Executive Order No. 2020-11, wherein Governor McMaster directed certain employees and staff of the State of South Carolina to stay home from work and to be allowed to work from home. Based on this Executive Order, the undersigned has been sent to work remotely from home and has limited availability to Department resources.

As such, the undersigned respectfully requests an additional twenty (20) days from the original due date of the Department's reply brief due to her limited availability to Department resources, which will undoubtedly prolong the drafting and filing of a reply brief in this matter.

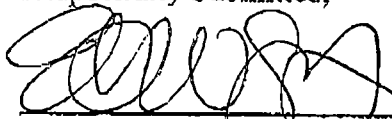
Furthermore, the Supreme Court of South Carolina issued Order No. 2020-000447 entitled, "Re: Operation of the Appellate Courts During the Coronavirus Emergency," wherein the Supreme Court provided extensions on appellate filing deadlines. Specifically, in paragraph (1)(1), the Supreme Court stated that "the due dates for all Appellate Court filings due on or after the effective date of this order are hereby extended for twenty (20) days." The undersigned has interpreted this provision of the Court's Order to mean that the deadline for the Department to file its reply brief is extended until April 22, 2020, twenty (20) days from the Department's original due date. The Department believes such provision supports its request for a twenty (20) day extension of time to file its reply brief.

Counsel for Respondent, McEntire Produce, Inc., do not object to the Department's request. Further, this is the Department's first request for an extension of time as to this reply brief.

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[signature on following page]

Respectfully Submitted,



Elisabeth W. Shields, Esquire (Bar No. 100784)

Counsel for Litigation

Jason P. Luther, Esquire (Bar No. 78021)

General Counsel for Litigation

P.O. Box 12265

Columbia, SC 29211

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Attorneys for Appellant

South Carolina Department of Revenue

March 24, 2020

THE STATE OF SOUTH CAROLINA
In The Court Of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

HONORABLE H.W. FUNDERBURK, JR., ADMINISTRATIVE LAW JUDGE

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CASE NO. 17-ALJ-17-0060-CC
DOCKET NO. 17-ALJ-17-0060-CC

MAR 24 2020

SC Court of Appeals

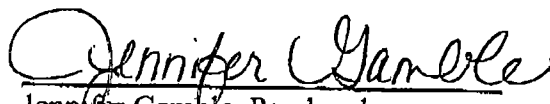
McEntire Produce, Inc., Respondent,

v.

South Carolina Department of Revenue, Appellant.

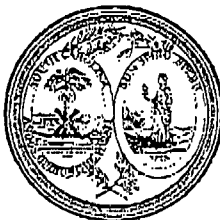
PROOF OF SERVICE

I, Jennifer Gamble, hereby certify that I have caused to be mailed a copy of the South Carolina Department of Revenue's Motion for Extension of Time to File Appellant's Reply Brief regarding the above-referenced case, by depositing the same in the United States Mail, postage prepaid, on March 24, 2020, addressed to the attorneys of record, Burnet R. Maybank, III, Esquire, and James P. Rourke, Esquire, of Nexsen Pruet, LLC, P.O. Box 2426, Columbia, SC 29202.



Jennifer Gamble, Paralegal
South Carolina Department of Revenue

STATE OF SOUTH CAROLINA
DEPARTMENT OF REVENUE
OFFICE OF THE GENERAL COUNSEL



300A Outlet Pointe Blvd.
Columbia, SC 29210

PO Box 12265
Columbia, SC 29211-9979

March 24, 2020

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MAR 24 2020

SC Court of Appeals

VIA FACSIMILE ONLY: (803) 734-1839

The Honorable Jenny Abbott Kitchings
Clerk of Court, South Carolina Court of Appeals
1220 Senate Street
P.O. Box 11629
Columbia SC 29211

Re: **McEntire Produce, Inc., Respondent, v. South Carolina Department of Revenue, Appellant**
Appellate Case No.: 2019-001933

Dear Ms. Kitchings:

Pursuant to Rule 240(d), SCACR, enclosed for filing please find Appellant's Motion of Extension of Time to File Appellant's Reply Brief in the above-referenced matter. Also enclosed please find a Proof of Service, pursuant to Rule 240(c)(1), SCACR.

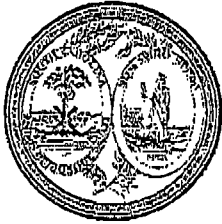
By copy of this letter, the Department is serving its Motion on all counsel of record. Should you have any questions, please do not hesitate to contact me at 803-898-5576 or Elisabeth.Shields@dor.sc.gov.

Sincerely,

Elisabeth W. Shields, Esquire
Counsel for Litigation

cc: Burnet R. Maybank, III, Esquire
James P. Rourke, Esquire

Enclosures



STATE OF SOUTH CAROLINA
DEPARTMENT OF REVENUE

300A Outlet Pointe Blvd., Columbia, South Carolina 29210
P.O. Box 12265, Columbia, South Carolina 29211-9979
Phone No. 803-898-5130 FAX No. 803-896-0171

DATE: 3/24/20

PAGES: 6

TO: The Honorable Jenny Abbott Kitchings, Clerk of Court FAX# 734-1839

FROM: Elisabeth Shields

PHONE #: 898-5576

COMMENTS: _____

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SC Court of Appeals

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