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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM ORANGEBURG COUNTY
Court of Common Pleas

The Honorable Edgar W. Dickson, Circuit Court Judge

Case No. 2018-CP-38-00521
Appellate Case No. 2020-000362

Andre Kinley, Respondent,

v.

Husqvarna Consumer Outdoor Produces N.A., Inc., Thaddeus Grant and
John Doe,

Of Whom Husqvarna Consumer Outdoor Products N.A., Inc. and
Thaddeus Grant are the Appellants.

**MOTION FOR ENLARGEMENT OF TIME TO
FILE MEMORANDUM OF APPEALABILITY**

This motion is made pursuant to Rule 240 of the South Carolina Appellate Court Rules, which governs motions and petitions generally. Respondent Andre Kinley respectfully moves the Court, pursuant to Rule 263(b), as well as the Supreme Court's order of March 20, 2020 concerning the Operation of Appellate Courts during the Coronavirus Emergency, for an order enlarging the time for Respondent to file and serve the Memorandum of Appealability requested by the Court via letter dated March 6, 2020.

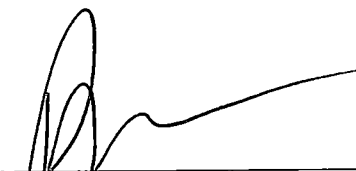
By way of background, Appellant filed its notice of appeal on or about February 28, 2020. The orders being appealed are trial court orders denying Appellant's motion to dismiss and

subsequent motion for reconsideration. On March 6th, the Court sent a letter to counsel of record questioning the appealability of the orders and asking both Appellant and Respondent to file a Memorandum of Appealability within 10 days (which would have been March 16th). Due to oversight and excusable neglect of undersigned counsel for Respondent and his office staff due to the COVID-19 pandemic, the Court's March 6th letter was overlooked and not calendared. On March 20th, the Supreme Court issued its order concerning the Coronavirus Emergency. On April 3rd, the Court emailed a letter to counsel for Respondent indicating that Respondent must serve and file his Memorandum of Appealability within 10 days of the letter (or April 13th), along with a motion requesting permission to serve and file the Memorandum outside of the time called for in the Court's March 6th letter. As instructed, Respondent hereby files this motion for extension or enlargement of time and permission to file and serve his Memorandum of Appealability on or before April 13, 2020.

Respectfully submitted,

April 6, 2020

By:



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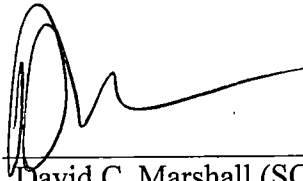
PROOF OF SERVICE

The undersigned counsel for Respondent certifies that a copy of Respondent's Motion for
Enlargement of Time has been served on counsel for Appellants via e-mail and United States mail,
postage prepaid and addressed as follows:

Lawrence M. Hershon, Esquire
Katon E. Dawson, Jr., Esquire
PARKER, POE, ADAMS & BERNSTEIN, LLP
PO Box 1509
Columbia, SC 29202

April 7, 2020

By:



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April 7, 2020

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VIA FAX (803) 734-1839 & U.S. MAIL

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

Re: *Andre Kinley v. Husqvarna Consumer Outdoor Products, at al.*
Appellate Case No. 2020-000362

Dear Ms. Kitchings:

Enclosed please find Respondent's Motion for Enlargement of Time to file his Memorandum of Appealability in the above matter. I understand from the Supreme Court's March 20, 2020 order that the filing fee for this motion has been waived, that no additional copies are needed, and that service can be made on opposing counsel via email. This filing is being faxed to the Court, and the original, plus one additional copy, is also being mailed. If you could please file stamp and return the additional copy to my attention, that would be greatly appreciated.

Thank you for your assistance with this matter, and please feel free to contact me if you have any questions.

With kind regards, I am

Very truly yours,

LANIER & BURROUGHS, LLC



David C. Marshall

DCM/

cc: Lawrence M. Hershon (via email and U.S. mail)
Katon E. Dawson, Jr. (via email and U.S. mail)

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