

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM MARION COUNTY
William H. Seals, Jr., Circuit Court Judge

Appellate Case No. 2019-002006
Case No. 2019-CP-33-0675

RECEIVED
Apr 30 2020
SC Court of Appeals

John Pendarvis and Lawton Drew, Respondents,

v.

South Carolina Law Enforcement Division and
South Carolina Department of Agriculture, Defendants,

Of which, South Carolina Law Enforcement Division is..... Appellant.

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

The Appellant South Carolina Law Enforcement Division respectfully moves this Court for an additional fourteen-day extension of time until May 15, 2020, by which to file and serve its Initial Brief and Designation of Matter to be Included in the Record on Appeal.

The Appellant's motion is based on the following grounds:

1. The Appellant's Initial Brief is currently due to be filed and served on May 1, 2020.

2. The undersigned counsel for the Appellant requires this additional time to complete the preparation and drafting of the Appellant's Initial Brief because of other obligations and deadlines, including a Fourth Circuit appellate brief due on May 4, 2020, and a Federal District Court brief due on May 1, 2020.

3. Counsel for the Respondents John Pendarvis and Lawton Drew has been consulted and has consented to the requested extension through May 15, 2020. (See attached email).

WHEREFORE, the Appellant South Carolina Law Enforcement Division respectfully requests that it be allowed until May 15, 2020, by which to file and serve its Initial Brief and Designation of Matter to be Included in the Record on Appeal.

LINDEMANN, DAVIS & HUGHES, P.A.

BY: s/ Andrew F. Lindemann

ANDREW F. LINDEMANN #13030

JOEL S. HUGHES #73708

5 Calendar Court, Suite 202

Post Office Box 6923

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Email: andrew@ldh-law.com

*Counsel for Appellant South Carolina
Law Enforcement Division*

April 30, 2020

From: Patrick McLaughlin <Patrick@wukelalaw.com>
Sent: Thursday, April 30, 2020 9:34 AM
To: Andrew Lindemann
Cc: Joel Hughes; cbhutto@williamsattys.com; scox@wukelalaw.com
Subject: RE: Pendarvis v. SLED

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Andrew:

Sorry, I was on the road yesterday.

I'm fine extending that courtesy to you.

I would also ask for one in reciprocity re: our discovery discovery requests that were served back in January. I spoke with Joel a while ago and he said he was working on them, but I have not heard anything back or received any response. I would appreciate an update on those.

Thanks.

patrick

From: Andrew Lindemann [mailto:Andrew@LDH-Law.com]
Sent: Wednesday, April 29, 2020 1:13 PM
To: patrick@wukelalaw.com
Cc: Joel Hughes
Subject: Pendarvis v. SLED
Importance: High

Patrick:

I hope you are doing ok and staying safe. SLED's initial brief is due at the Court of Appeals on Friday. I have a Fourth Circuit brief due Monday and a federal court summary judgment due on Friday, so I am a little swamped and behind. I need to ask the Court of Appeals for a 14 day extension on the brief in this case. Can I advise the Court that you will consent? I would appreciate the courtesy.

Thanks.

Andrew

CERTIFICATE OF SERVICE

The undersigned employee of Lindemann, Davis & Hughes, P.A., counsel for the Appellant, does hereby certify that pursuant to the Operation of the Appellate Courts During the Coronavirus Emergency Section (g)(3) service of the **Motion for Extension of Time to File Initial Brief of Appellant** was made upon all counsel of record by email only this the 30th day of April 2020:

Patrick J. McLaughlin, Esquire
Wukela Law Office

Email: patrick@wukelalaw.com

-and-

C. Bradley Hutto, Esquire
Williams & Williams

Email: cbhutto@williamsattys.com

William H. Davidson, II, Esquire
Brandon M. Briggs, Esquire

Email: w davidson@dml-law.com

Email: bbriggs@dml-law.com

s/ Andrew F. Lindemann

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Via OneDrive Business Only

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals

RE: John Pendarvis and Lawton Drew v. South Carolina Law Enforcement Division and South Carolina Department of Agriculture
Appellate Case Number: 2019-002006
Civil Action Number: 2019-CP-33-0675
Our File Number: 79.20234

Dear Ms. Kitchings:

Please find enclosed for filing the **Motion for Extension of Time to File Initial Brief of Appellant** in the above referenced matter. I will not be sending a filing fee for this motion since the Appellant is exempt as an agency of the State of South Carolina. Pursuant to the Operation of the Appellate Courts During the Coronavirus Emergency Section (g)(3), service is being made upon all counsel of record by email only.

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

Sincerely,

LINDEMANN, DAVIS & HUGHES, P.A.

Andrew F. Lindemann

AFL/jmb

cc: Patrick J. McLaughlin, Esquire (Via Email Only)
C. Bradley Hutto, Esquire (Via Email Only)
William H. Davidson, II, Esquire (Via Email Only)
Brandon M. Briggs, Esquire (Via Email Only)