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**Sent:** Tuesday, May 26, 2020 3:51 PM  
**To:** Kitchings, Jenny <[jkitchings@sccourts.org](mailto:jkitchings@sccourts.org)>  
**Subject:** Devey v. J&J appeal, Court of Appeals Case No. 2020-000662

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Hi Jenny,

Hope your tests for arguments went well today. Know you had a slate of them. I have a Fourth Circuit argument tomorrow and that court's IT department did the run-through for us today too. Crossing my fingers that it goes well from the technology perspective.

Wanted to follow up on one point re: the court's requested memo on appealability in the above case. We will file it as requested and, with the Covid-19 days under the Supreme Court order, it is due June 15. Just wanted to let you know that we are filing it then as we discussed on the phone on May 15 re: the applicability of the Covid-19 days.

I note this for two reasons: 1) recently in an appeal I got a deficiency order on a brief despite the Covid-19 order and looking to avoid that again and 2) the plaintiff filed its memo way in advance of the June 15 deadline and did not want anything unforeseen to happen in the interim based on our needing the full time given by the court with the Covid-19 days.

Many thanks for all you do and your time.  
Matt

Nelson Mullins is continuing to monitor developments related to COVID-19, including guidance from the Centers for Disease Control and various health officials; and federal, state, and local government authorities. The firm has implemented precautionary measures and plans to ensure the continuation of all firm services to clients from both in office and remote work arrangements across our 25 geographically dispersed offices. [Click here to visit the Nelson Mullins Coronavirus Resources page.](#) Information described therein is subject to change.

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