

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

The Honorable Bentley D. Price
Circuit Court Judge

Appellate Case No. 2019-001716

Jeane Whitfield, Appellant,

v.

Dennis K. Shimpf, M.D. and Sweetgrass Plastic Surgery, LLC,

and

Patrick O'Neil, M.D. and O'Neil Plastic Surgery, Respondents.

**APPELLANT'S MOTION TO FILE INITIAL BRIEF
AND DESIGNATION OF MATTER OUT OF TIME**

Appellant, Jeane Whitfield, through her undersigned counsel, hereby respectfully moves before this Honorable Court for an Order allowing Appellant to file her Initial Brief and Designation of Matter to be Included in the Record on Appeal outside of the Friday, June 26th deadline set forth by this Court. A copy of the completed Brief and Designation of Matter are attached hereto for the Court's consideration. This Motion is made pursuant to Rule 240 and Rule 263, SCACR. The grounds for this Motion are as follows:

- 1) Appellant's Initial Brief and Designation of Matter were due on Friday, June 26, 2020.

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Appellant's undersigned counsel had been diligently working to complete and file the Brief and Designation of Matter by depositing a copy in U.S. Mail before the midnight deadline. That evening, counsel encountered a technical issue with his file. Counsel had inadvertently overwritten a portion of the Brief. All efforts were made to retrieve an earlier version of the file. However, a portion of the Brief had to be re-written. In addition, counsel's citations to the Record had to be re-inserted.

2) Despite the above setback, Counsel has worked diligently throughout the weekend to ensure that the Brief and Designation of Matter are received by the Court and Opposing Counsel by the following business day, an even earlier date than had the Brief and Designation been mailed on Friday.

3) Due to the current Covid-19 pandemic and the repeated hospitalization of Counsel's infant son, Counsel has been working remotely under unusual circumstances. Typical workflow and resources have been significantly disrupted. Notwithstanding the foregoing, Counsel does not take this request lightly and fully understands the importance of meeting the deadlines set by this Court and the South Carolina Appellate Court Rules.

4) Allowing counsel to file and serve Appellant's Initial Brief and Designation of Matter today would serve the interests of justice by ensuring that Appellant's right to an appeal are preserved and unaffected by circumstances completely outside of her control.

5) Counsel does not make this Motion for the impermissible purpose of delay, but rather to ensure that this matter can be fully briefed and adjudicated on the merits by this Court.

Respectfully submitted,

s/Jesse Sanchez
Jesse Sanchez (SC Bar No. 101906)
The Law Office of Jesse Sanchez, LLC
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Attorney for Appellant

Charleston, South Carolina
June 29, 2020

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

The Honorable Bentley D. Price
Circuit Court Judge

Case No. 2017-CP-10-02758
Appellate Case No. 2019-001716

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Jeane Whitfield, Appellant,

v.

Dennis K. Shimpf, M.D. and Sweetgrass Plastic Surgery, LLC,

and

Patrick O'Neil, M.D. and O'Neil Plastic Surgery, Respondents.

PROOF OF SERVICE

I, the undersigned, certify that I have served *Appellant's Initial Brief*, *Appellant's Designation of Matter to be Included in the Record on Appeal*, and *Appellant's Motion to File Initial Brief and Designation of Matter Out of Time* on Respondents Dennis K. Shimpf, M.D. and Sweetgrass Plastic Surgery, LLC, by emailing a copy on June 29, 2020, addressed to their attorneys of record at the following email addresses: Todd Smyth, Esq. (tsmyth@smythwhitley.com), Joshua S. Whitley, Esq., (jwhitley@smythwhitley.com), Kevin Horton, Esq., (khorton@smythwhitley.com).

I have also served this same these same documents on Respondents Patrick O'Neill, M.D. and O'Neill Plastic Surgery, on this same date and in the same manner as described above, addressed to their attorneys of record at the following address: Barbara W. Showers, Esq.

(bwshowers@gmail.com), Maryrose L. Pritchard, Esq. (maryrose.pritchard@hoodlaw.com), Julia A. Bradshaw, Esq. (julia.bradshaw@hoodlaw.com), John O. Radeck, Jr., Esq. (john.radeck@hoodlaw.com).

Pursuant to the March 20, 2020 Order of the Supreme Court, a copy of the aforementioned email correspondence is attached.

Respectfully submitted,

THE LAW OFFICE OF JESSE SANCHEZ, LLC

s/Jesse Sanchez
Jesse Sanchez (SC Bar No. 101906)
The Law Office of Jesse Sanchez, LLC
98 ½ Broad Street, Suite B
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Charleston, South Carolina
June 29, 2020

From: Jesse Sanchez jesse@jessesanchezlaw.com

Subject: Jeane Whitfield, Appellant v. Dennis K. Shimpf, M.D. and Sweetgrass Plastic Surgery, LLC, Case No. 2017-CP-10-2758

Date: June 29, 2020 at 12:37 PM

To: Todd Smyth tsmyth@smythwhitley.com, jwhitley@smythwhitley.com, khorton@smythwhitley.com, bwshowers@gmail.com, maryrose.pritchard@hoodlaw.com, julia.bradshaw@hoodlaw.com, john.radeck@hoodlaw.com

Cc: Dan dan@slotchiverlaw.com, Brent Halversen Brent@halversenlaw.com, Andrew J. McCumber andrew@slotchiverlaw.com, Susan Maulden paralegal@slotchiverlaw.com

JS

Counsel,

Attached for service, please find the attached Cover Letter, Motion, Initial Brief, and Designation of Matter, which are being filed momentarily with the Court of Appeals via OneDrive electronic submission.

Regards,

Jesse

--

Jesse Sanchez

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June 29, 2020

VIA ONEDRIVE ELECTRONIC SUBMISSION

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

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Jun 29 2020

SC Court of Appeals

RE: Jeane Whitfield, Appellant v. Dennis K. Shimpf, M.D. and Sweetgrass Plastic Surgery, LLC, and Patrick O'Neil, M.D. and O'Neil Plastic Surgery, Respondents, Appellate Case No. 2019-001716

Dear Ms. Kitchings:

Enclosed herewith for filing, please find the following for filing:

1. *Appellant's Initial Brief,*
2. *Appellant's Designation of Matter to be Included in the Record on Appeal,*
3. *Appellant's Motion to File Initial Brief and Designation of Matter Out of Time,*
4. *Proof of Service* for all of the above.

Pursuant to paragraph C(5) of the Amended Order of the South Carolina Supreme Court, dated 05/29/20, re: Operation of the Appellate Court During Coronavirus Emergency, a check for the \$50 motion filing fee has been deposited in today's outgoing mail.

Thank you for your assistance with this matter. Should you have any questions or wish to discuss this submission, please do not hesitate to contact me directly at 843-814-8181.

Sincerely,

s/Jesse Sanchez

Enclosures (as stated)

Cc: Daniel S. Slotchiver, Esquire
Andrew J. McCumber, Esquire
Brent S. Halversen, Esquire

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