

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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Jul 17 2020

SC Court of Appeals

APPEAL FROM DARLINGTON COUNTY

Roger E. Henderson, Circuit Court Judge

Appellate Case No. 2020-000327

Rodney Brock HopkinsRespondent.

v.

Mary Uptagrafft on behalf of Joshua B. Hopkins, Jacob T. Hopkins, Jensen M.
Hopkins, & Johanna Hopkins.....Appellant.

RETURN TO MOTION

Respondent, by and through his attorney, offers herewith his return to Appellant’s Motion wherein Appellant seeks additional time with which to file her Initial Brief.

Respondent is aware of, and sensitive to, the realities of the current pandemic. Our Court system has also taken into consideration the extraordinary challenges presented by the pandemic as reflected in the various Orders of the South Carolina Supreme Court. In particular, the South Carolina Supreme Court in it’s Order of 29

May 2020 offered automatic extensions of time and forgiveness of procedural defaults. SC ORDER 20-0026. However, Rule 240(c), SCAR indicates all motions or petitions filed in an appellate court shall be accompanied by supporting documentation. Here, Appellant offers no Affidavit indicating who fell ill to the virus and the associated timeline, Appellant offers no copy of any Order of Protection which might have been filed and offers no physician's statement attesting to anyone associated with Appellant having fallen ill as a result of the virus. Respondent calls attention also to the Order from which this appeal arises. Respondent's Motions were granted due to the fact that Appellant was late in filing his Request for Extension in that the deadline for the extension sought had already passed. Even at the hearing Appellant was unable to produce a Brief he would ask the Court to accept. As referenced in said Order, Appellant's attorney, when asked why neither the Motion for Extension of Time nor his Brief were timely filed, responded that he had been under a heavy workload and was unaware Darlington County was an e-file County.

Returning again to the South Carolina Supreme Court's Order, footnote 4 provides, "As explained by the order of March 20, 2020, this automatic extension was intended to give "lawyers and self-represented litigants appearing before the Appellate Courts ... time to take actions to protect themselves and their families." Since sufficient time has been provided for this to occur, and most

lawyers and litigants have been able to adjust to working remotely, this automatic extension is no longer warranted.” SC ORDER 20-0026(1). Also, the record in this appeal sees Appellant having already enjoyed other extensions automatically granted.

The undersigned truly hopes no serious illness or harm has been visited on Appellant or her counsel to include counsel’s staff and the many family members associated with each, but the extension request is supported by nothing more than a general societal awareness that the pandemic is still with us and follows a pattern of poorly justified delays. For these reasons Respondent respectfully asks this Court to deny Respondent’s request.

|

Executed this 17th day of July, 2020

Signature: s/Richard E. Conner, Jr.
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PROOF OF SERVICE

I CERTIFY THAT I have served the Return to Motion on the above-referenced case on Rodney Brock Hopkins by depositing a copy of it in the United States Mail, postage prepaid on July 17, 2020, addressed to his attorney of record, John S. Keffer, Esquire, 10 Law Range, Sumter, SC 29105. Also, by sending by the following email address to his attorney of record: jkeffer@kefferlawfirm.com

Executed this 17th day of July, 2020

Signature: s/Richard E. Conner, Jr.
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