

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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Oct 14 2020

SC Court of Appeals

Appeal from Greenwood County
Greenwood County Court of Common Pleas
Hon. Judge Donald B. Hocker, Family Court Judge, Presiding


17-CP-24-01343

Karen Petit.....Appellant,

Versus

Phyllis Jean Krohn, USAA Federal Savings Bank, and USAA Investment Management
Co.,.....Respondents.

**MOTION FOR EXTENSION TO FILE
THE INITIAL BRIEF AND DESIGNATION OF MATTER
TO BE INCLUDED IN THE RECORD ON APPEAL**



Scarlet B. Moore, #72534
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October 14, 2020
Greenville, South Carolina

NOW INTO COURT, comes the Appellant Karen Petit, who respectfully moves this Honorable Court for an extension of time to file the Initial Brief and Designation of Matter for the Record on Appeal until Monday, October 26, 2020, for the following reasons, to wit:

Undersigned counsel needs additional time to complete the Initial Brief and Designation of Matter for the Record on Appeal. On October 6, 2020, Chief Justice Donald W. Beatty issued an order that the weeks of October 26, 2020 and November 2, 2020 terms of the Richland County Family Court shall be set aside for the purpose of hearing contested DSS matters which were previously continued due to the COVID pandemic. A copy of the Order is attached to this Motion. (Exhibit "A" – Order of Justice Beatty.) Undersigned counsel has a contract with DSS to represent the agency in abuse and neglect cases in Richland County, and was given ten (10) contested trials (some multi-day contested matters) to handle during these designated weeks. However, counsel was notified prior to October 6, 2020, that the Chief Justice would grant to DSS two (2) weeks for contested trial matters. This has added additional work and preparation to counsel's schedule since the entry of the last order granting an extension to file the Initial Brief and Designation of Matter in this case. Counsel submits that the Chief Justice's order impact on her schedule constitutes a compelling, exceptional circumstance justifying one last extension. Of note is that counsel has consulted with opposing counsel regarding this matter, and no party objects to the request for an extension.

WHEREFORE, the undersigned prays for an Order of this Court extending the time for counsel to file the initial brief and designation of matter to be included in the record on appeal until Monday, October 26, 2020.

Respectfully Submitted,



Scarlet B. Moore, #72534

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Greenville, South Carolina
October 14, 2020.

The Supreme Court of South Carolina

ORDER

RE: Department of Social Services
Case Terms for Richland County

In recognition of the number of contested hearings that were continued due to the coronavirus (COVID-19) emergency during this year, and after discussions with the Department of Social Services (DSS) and per their request, I find that it would be beneficial for specific terms to be set aside to deal with the accumulation of DSS cases. Now therefore, and pursuant to the provisions of Article V, Section 4 of the South Carolina Constitution and S.C. Code Ann. §§ 63-3-320; -340 (2010),

IT IS ORDERED that for Richland County for the weeks of October 26, 2020 and November 2, 2020 terms of the Family Court shall be set aside for the purpose of hearing contested DSS matters which were previously continued between the dates of March 16, 2020 and July 31, 2020.

DSS shall, at least one week prior to the start of the term, provide the trial judge with a roster of cases which are subject to being called during that week, including adequate back-up cases to ensure the term is being used efficiently.

The cases to be scheduled should be limited to contested matters which were previously continued between the dates of March 16, 2020 and July 31, 2020. These cases should consist of contested hearings involving (1) children who have been in foster care for 60 days or more and who have not had a merits hearing; (2) children awaiting an abuse or neglect hearing on the merits of their removal from their parents; and (3) final merit trials involving termination of parental rights.

The Chief Administrative Judge for the Fifth Judicial Circuit has the authority to continue any previously scheduled matters, and to resolve any issues, pending in any county, that conflict with the designated terms of court. Further, all attorneys of record appearing on a DSS case scheduled during the designated terms of court are granted protection from appearances in any other matter.

EXHIBIT A

The trial judge and Chief Administrative Judge are instructed that continuances for these matters should not be granted. At the end of the designated terms, DSS shall provide to the Chief Administrative Judge for the Fifth Judicial Circuit a summary of activity which shall include both the number of cases docketed, and the number of cases heard during the term. The Chief Administrative Judge shall forward the summary to Amy Wessinger at Court Administration.

In an effort to maximize the use of these designated terms, the Order of Priority Between Tribunals, as set forth in Rule 601(a) of the SCACR, shall be amended to give all matters scheduled pursuant to this Order priority over all other hearings, with the exception of hearings scheduled before the Supreme Court, the Court of Appeals, the Commissions on Judicial Conduct and Lawyer Conduct, and the Committee on Character and Fitness.

In light of the continuing pandemic and to ensure in-person matters are conducted in a reasonably safe manner, these terms will comply with all guidelines relating to in-person proceedings as outlined in the memorandum dated September 14, 2020, titled RE: Court Operations.

The judges assigned to these terms are as follows:

For the week of October 26, 2020, the previously scheduled terms of court for the Honorable M. Scott Rankin and the Honorable C. Vance Stricklin, Jr. in Richland County shall be converted to terms designated for the handling of the above-referenced DSS matters.

For the week of November 2, 2020, the previously scheduled terms of court for the Honorable Gwendlyne Y. Jones and the Honorable Michelle M. Hurley in Richland County shall be converted to terms designated for the handling of the above-referenced DSS matters.



Donald W. Beatty
Chief Justice

Columbia, South Carolina
October 6, 2020

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17-CP-24-01343

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Versus

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Co.,.....Respondents.

CERTIFICATE OF SERVICE

I certify that on this date, October 14, 2020, I served a copy of the **Appellant's Motion for Extension to File the Initial Brief and Designation of Matter for the Record on Appeal** on opposing counsel to their respective **E-MAIL** addresses, pursuant to the Order of the Supreme Court Appellate Case No. 2020-000447(g)(3).

William S. Brown – william.brown@nelsonmullins.com

Josh Nasrollahi – josh@jnasrollahi.com

Jane Merrill – jane@hmlawsc.com

s/Scarlet B. Moore

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Greenville, South Carolina
October 14, 2020.

Scarlet B. Moore

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October 14, 2020

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

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Oct 14 2020

SC Court of Appeals

RE: Karen Petit v. Phyllis Jean Krohn, et al, 2017-CP-24-01343

Dear Madam Clerk,

Enclosed please find the Appellant's Motion for Extension of Time to File the Initial Brief and Designation of Matter to be Included in the Record on Appeal, along with a Certificate of Service. Please let me know if you have questions regarding the enclosed. With kind regards, I remain

Very Truly Yours,

s/Scarlet B. Moore

Scarlet B. Moore, Esq.
Counsel for Appellant

SBM/sfk

Cc: Jane H. Merrill, Esq.
William S. Brown, Esq.
Joshua S. Nasrollahi, Esq.