

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas  
The Honorable Bentley Price, Circuit Court Judge

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Case No. 2017-CP-10-5824  
Appellate Case No.: 2020-000534

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**RECEIVED**

**Nov 12 2020**

**SC Court of Appeals**

John Mayers

Appellant,

v.

Konan Henthorn

Respondent.

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**RESPONDENT'S MOTION FOR EXTENSION OF TIME TO FILE FINAL BRIEF**

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Respondent, Konan Henthorn, respectfully requests an extension in which to file his Final Brief on Appeal. On October 21, 2020, Appellant served his Final Brief and Record on Appeal upon Respondent by way of electronic mail. However, Respondent was not granted access to the Appellant's Final Brief and Record on Appeal until October 22, 2020.

Upon review of the Record of Appeal, Respondent notified Appellant that a document requested to be included was absent from the Record on Appeal. On October 26, 2020, Respondent contacted Appellant and requested that the Record on Appeal be supplemented pursuant to Rule 210 SCRAP and include the entirety of Court's Exhibit 5, specifically the MUSC medical records that were inadvertently omitted. Both Appellant and Respondent requested the MUSC medical records to be included on their designations of matter on appeal and both Appellant and Respondent directly quote from the MUSC records in their briefs. On October 28, 2020, Appellant responded to Respondent's request and noted that the transcript submitted did not include the MUSC records. On November 2, 2020, Respondent requested Appellant to supplement the Record on Appeal to include the MUSC records. To date, the Record of Appeal has not been supplemented with the omitted MUSC records.

Along with an extension to file his Final Brief on Appeal, Respondent respectfully requests the Court to include a clean copy of the omitted MUSC records, which are included with his motion. [See MUSC records].

*s/Michael T. Coulter*

Michael T. Coulter (SC Bar #15177)

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Greenville, SC 29606

T: 864.232.4400

Attorney for Respondent Konan Henthorn



MEDICAL RECORDS  
 169 Ashley Ave Suite H102  
 MSC 250  
 Charleston SC 29425-3490  
 Inpatient Record

Mayers, John C  
 MRN: 005674039, DOB: 7/7/1973, Sex: M  
 Acct #: 508768149  
 Adm: 5/17/2016, D/C: 5/21/2016

**Consults - Encounter Notes (continued)**

**Consults by David Carter, DO at 5/17/2016 6:06 PM (continued)**

Author: David Carter, DO  
 Filed: 5/17/2016 7:34 PM  
 Editor: David Carter, DO (Resident)

Service: ORS-ORTHOPEDECS  
 Date of Service: 5/17/2016 6:06 PM

Author Type: Resident  
 Status: Signed  
 Cosigner: Charles A Reitman, MD at 5/19/2016 6:59 AM

Consult Orders:

- 1. Inpatient Consult to Orthopedic Surgery [90624344] ordered by Leah Nicole Herzog, MD at 05/17/16 1704

**Orthopedic Consult Note**

Date of Consult: 5/17/2016

Ortho Attending: Dr. Reitman

**HPI:**

42-year-old male with no past medical history presents as auto versus ped. Patient has obvious deformity to his right upper arm. Patient reports that HIS pain is in his right upper arm but says that he is in "shock." He was crossing the street review struck by vehicle, vehicle tried to stop. Patient also has blood coming from his 4 head. Patient drank approximately 2 24 ounce beers today. He is alert and oriented. Orthopaedics was consulted for distal humerus fracture.

**PAST MEDICAL HISTORY:** History reviewed. No pertinent past medical history.

**SURGICAL HISTORY:** No past surgical history on file.  
 Prior ORIF mandibular fracture

**SOCIAL HISTORY:**

History

Social History

- Marital Status: N/A
- Spouse Name: N/A
- Number of Children: N/A
- Years of Education: N/A

Occupational History

- Not on file.

Social History Main Topics

- Smoking status: Not on file
- Smokeless tobacco: Not on file
- Alcohol Use: Not on file
- Drug Use: Not on file
- Sexual Activity: Not on file

Other Topics

- Not on file

Concern

Social History Narrative

- No narrative on file

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**PROOF OF SERVICE**

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The undersigned attorneys hereby certify that a true copy of Respondent's First Request for Extension in the above referenced case has been served on up on counsel of record by e-mailing on November 11, 2020 to the following:

Alexis W. McCumber – [Alexis@akimlawfirm.com](mailto:Alexis@akimlawfirm.com)  
Roy Willey – [Roy@akimlawfirm.com](mailto:Roy@akimlawfirm.com)  
Eric Poulin – [eric@akimlawfirm.com](mailto:eric@akimlawfirm.com)  
Matt Foss – [foss@akimlawfirm.com](mailto:foss@akimlawfirm.com)  
Team McCumber – [teammccumber@googlegroups.com](mailto:teammccumber@googlegroups.com)

*s/Michelle N. Endemann*

Michelle N. Endemann  
Attorney