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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM YORK COUNTY
In The Circuit Court

Teasa K. Weaver, Master in Equity

Appellate Case No. 2020-001023

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DEC 02 2020

SC Court of Appeals

Mark Giles Pafford,

Appellant,

v.

Robert Wayne Duncan, Jr.,
Robert Duncan, Sr., and Frank Eason,
d/b/a "Rock City Heavy Hauling, Inc."
of whom

Robert Wayne Duncan, Jr. and
Robert Duncan, Sr. are the,

Respondents.

MOTION FOR EXTENSION OF TIME

Pursuant to Rules 263(b) and 240, S.C.A.C.R., the Appellant, by his counsel undersigned, moves this Court for an order granting an extension of time or the right to file outside time in the above appeal, on the grounds stated below:

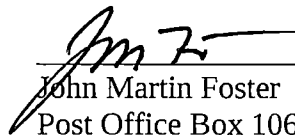
1. The Appellant's Initial Brief and Designation of Matter to be Included in the Record on Appeal were due, according to the records of Appellant's counsel and after a Motion for Extension, as of November 9th, 2020.
2. Counsel for Appellant was diagnosed as positive for Covid-19 as of October 31st, 2020 and put into quarantine. A copy of the test is attached hereto and incorporated herein. That quarantine lasted over two weeks.

3. By this Court's letter of November 19th, 2020 counsel for Appellant was reminded of the due date and instructed to submit the Brief and Designation of Matter, with a Motion for Extension, within ten days.
4. Counsel for Appellant has worked diligently to fulfill that deadline. However, because this commercial appeal involved extensive documentation placed in evidence, he is required to review those records to accurately finish and submit Appellant's Brief and Designation of Matter.
5. Counsel for Appellant has made several attempts to locate and review the trial evidence, but to date has received no response from Court personnel as to the location or availability of that evidence. He presumes this lack of communication is due to the holiday schedule.
6. Due to the facts referenced above, the Appellant moves for an extension of time in which to file, or to file late, until December 9th, 2020.

The basis of this Motion is the within-cited Rules, the records of this appeal, which items are hereby incorporated in this Motion.

WHEREFORE, the Appellant herein moves this Court move this Court for an order granting an extension of time or the right to file outside time in the above appeal, for a period ending December 9th, 2020.

November 25, 2020



John Martin Foster
Post Office Box 106
Rock Hill, South Carolina 29731
(803) 324-8100
Attorney for Appellant

Other Counsel of Record:

Stephen D. Schusterman
P.O. Box 4211
Attorney for Respondents
Rock Hill, South Carolina 29731

Subject: Lab Result
 From: Edidiong Inyang <edidiong@aitlab.com>
 Date: 11/25/20, 8:52 AM
 To: "jinfoster@comportum.net" <jinfoster@comportum.net>



CLIA# 45D2069477
 1500 Interstate 35-A
 Denver, CO 80202
 P.O. # 910-381-2223

Molecular Pathology Report

Facility Information	Patient Information	Specimen Information
Facility Name: BROKEN TO BETTER	Name: Foster, John	Lab Accession Number: 2337268
Provider Name: STACY BAKER MD	DOB: 01/03/1950	Date Collected: 10/29/2020
NPI: 1528297611	Gender: Male	Date Received by Lab: 10/30/2020
Address: 735 Cherry Road Rock Hill, SC 29732	Address: 340 E Liberty ST, YOrk, sc 29745, York, USA	Date Reported: 10/31/2020
Phone: 16038183932	Phone: 8036844560	Sample Type: Respiratory
	Race: Unknown	Area of Interest: NASOPHARYNX
	Ethnicity: Unknown	Cross Reference #:

Detected Results Summary

Respiratory Pathogens	Results	Estimated Copies/mL	Est. Microbial Load*
Special Target***			
COVID-19 Coronavirus (SARS-CoV-2)	Detected	3.9 x 10 ⁶	Positive
<p>AIT Labs COVID-19 Coronavirus (SARS-CoV-2) PCR (polymerase chain reaction) assay was designed, validated, and is intended for medically indicated diagnostic testing. The assay's PCR probes (TaqPath COVID-19 Combo kit) target the SARS-CoV-2 replicase complex (ORF 1 ab), spike (S), and nucleocapsid (N) genes. Healthcare providers of any person with a "Positive Result" for this assay, should IMMEDIATELY contact their Local and/or State Health Department(s), for consultation and guidance. Additional information on Coronavirus Disease 2019 (COVID-19) can be obtained from the CDC: https://www.cdc.gov/coronavirus/2019-ncov/index.html</p> <p>AIT Laboratories COVID-19 Coronavirus (SARS-CoV-2) Assay is authorized for use by the US FDA, under the following Emergency Use Authorization (EUA) approvals: EUA200354 (AIT Laboratories SARS-CoV-2 Assay), EUA200010 (Thermo Fisher Scientific TaqPath COVID-19 Combo Kit).</p>			

Tested Assay Results

All tested microbe-related and resistance gene results (see below) are NOT DETECTED (NEGATIVE), unless indicated as DETECTED (POSITIVE), in above

Detected Results Summary section.

COVID-19 Coronavirus (SARS-CoV-2)

Analyzed By: Edidiong Inyang, Ph.D.

Date: 10/31/2020 02:53

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Secure with DigitalShield Secure Email

Subject: Pafford v Duncan Appellate Case No. 2020-01023
From: John Martin Foster <jmfoster@comporium.net>
Date: 11/25/20, 11:03 AM
To: Court Of Appeals Filings <ctappfilings@sccourts.org>
CC: "Stephen D. Schusterman" <sdslaw@comporium.net>

Dear Ms. Kitchings:

In accordance with Paragraph (c)(6) of the Order of the Supreme Court dated May 29, 2020, attached for filing is our Motion for Extension of Time to file our Initial Brief and Designation of Matter in the above appeal, or to file outside time.

Also attached is the Certificate of Service of the same on opposing counsel.

It is my reading of Paragraph I of the same Order that a filing fee is again required for this Motion at this time; the same is dispatched to your office this date by mail..

Thank you and your staff as always for your help in these matters.

--

Martin Foster

JMFOSTER@COMPORIUM.NET

THE GUARDIAN BUILDING 223 EAST MAIN STREET SUITE 520 ROCK HILL, SC 29730

P.O. BOX 106 ROCK HILL, SC 29731-6106

803 324-8100 803 324-8109: FAX

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—Attachments: \_\_\_\_\_

MortgagePafford.pdf

61.8 KB

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d/b/a "Rock City Heavy Hauling, Inc."  
of whom

Robert Wayne Duncan, Jr. and  
Robert Duncan, Sr. are the,

Respondents.


CERTIFICATE OF SERVICE

I certify that I have served the Appellant's Motion for an extension of time, or to file late, as to his Initial Brief and Designation of Matter to be Included in the Record on Appeal on the following counsel or persons of record:

Stephen D. Schusterman  
P.O. Box 4211  
Attorney for Respondents  
Rock Hill, South Carolina 29731

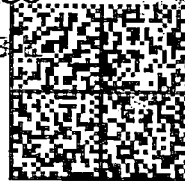
by depositing the same with the United States mail, with sufficient first class postage attached, properly addressed to the clerk of the Court, and with a copy also directed to the respective last known address(es) of those attorney(s) and/or persons set out above, pursuant to Rule 262(b), S.C.A.C.R.

November 25, 2020

  
John Martin Foster  
Post Office Box 106  
Rock Hill, S. C. 29731-6106  
803 324-8100  
Attorney for Appellant

CHARLOTTE NC 280

25 NOV 2020PM 3



NEOPOST

FIRST-CLASS MAIL

\$000.65<sup>0</sup>

11/25/2020 ZIP 29730  
042L14822695

US POSTAGE

**John Martin Foster Attorney**

220 East Main St Suite 520



**TO:**

THE HONORABLE JENNY ABBOTT KITCHINGS  
CLERK OF THE COURT OF APPEALS  
POST OFFICE BOX 11629  
COLUMBIA, S.C. 29211

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