

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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Jan 11 2021

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

SC Court of Appeals

Alex Kinlaw, Jr., Circuit Court Judge

Appellant Case No. 2019-001644
Case No. 2018-CP-23-02782

Bristol West Preferred Insurance Company,.....Respondent,

v.

Lemore Young, James E. Young, Darius Jerard Allen and
Latusa Nicole Reid,.....Defendants,

Of Whom Janice A. Fisher as Personal Representative for Lemore Young is the..... Appellant.

REPLY TO RESPONSE TO APPELLANT'S
MOTION FOR SECOND EXTENSION OF TIME

Janice A. Fisher as Personal Representative for Lemore Young, the Appellant, by and through her undersigned counsel does hereby reply to Respondent's Response to Appellant's Motion for a Second Extension of Time to serve and file the Appellant's Initial Reply Brief. Counsel is concurrently filing an amended version of the Appellant's Motion for a Second Extension of Time.

Appellant's Counsel drafted a Motion for a Second Extension of Time, prior to receiving the trial courts January 6th Order granting the Appellant's Motion to Restore case 2017-CP-23-000523 to the active docket. That draft of the motion was inadvertently filed instead the final draft, now titled Amended Motion for Second Extension of Time, that is being filed concurrently with

this reply. Please accept the amended version as counsel's filing on behalf of Appellant as their second request for an extension of time.

The Appeal that is currently before this Court has been challenged by the Respondent's in their brief as moot, alleging that case 2017-CP-23-000523 is required to be restored to the active docket but could not be restored as the statute of limitations has run. Appellate filed a Motion to Restore with the trial court arguing that the statute has been tolled. A hearing was held on January 5th, 2021 and Appellant's Motion to Restore was granted in the Court's January 6th order.

This case has presented a series of extraordinary circumstances. The extraordinary circumstances presently at hand are the fact that matters related to this case are now before both this Court and the trial court, simultaneously. The trial court's decision to restore 2017-CP-23-000523 affects counsel's reply in this case. The status of that case was challenged by the Respondent's in his brief alleging this Appeal is moot due to the status of that case. It is necessary to request an additional extension to properly prepare and serve Appellant's Initial Reply Brief being that the order of the trial court was issued on January 6th, 2021, allowing only a few days to research and respond.

Appellant respectfully requests a 30-day extension, making the due date Wednesday, February 10, 2021.

For the forgoing reasons, Appellant respectfully requests this Court to grant an extension of time to serve and file her Initial Reply Brief.

Greenville, South Carolina
January 11, 2021

Respectfully Submitted,

s/Brian T. Smith

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