

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

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**Jan 12 2021**

**S.C. SUPREME COURT**

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas  
J.C. Nicholson, Jr., Circuit Court Judge

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Appellate Case No. 2018-001413

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Unpublished Opinion No. 2020-UP-263 (S.C. Ct. App. filed Sept. 9, 2020)

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Phillip DeClemente, a/k/a Alec Rochford, ..... Petitioner,

v.

Assistive Technology Medical Equipment Services,  
LLC; Jeffrey Reed; Murrell G. Smith, ..... Respondents,

and

Phillip DeClemente, a/k/a Phillip Goodpaster, ..... Petitioner,

v.

Assistive Technology Medical Equipment Services, LLC  
(ATMES); Jeffrey Reed; Murrell G. Smith, ..... Respondents.

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**MOTION FOR EXTENSION OF TIME TO FILE/SERVE  
PETITION FOR A WRIT OF CERTIORARI**

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Petitioner, Phillip DeClemente, by and through undersigned counsel, pursuant to Rule 263(b), SCACR, S.C. Order No. 2014-07-16-01, *RE: Extensions in Cases Seeking a Petition for a Writ of Certiorari to Review a Decision of the South Carolina Court of Appeals*, and on the grounds stated below, moves this Court for a twenty (20) day extension of time to file/serve a petition to this Court for issuance of a writ of certiorari to review the Court of Appeals' decision

in this matter. This is Petitioner's first request for an extension of this filing deadline. In support of this motion, Petitioner shows this Court the following:

1. The Court of Appeals denied rehearing by order filed December 21, 2020, making the deadline to file/serve a petition for writ of certiorari Wednesday, January 20, 2021, pursuant to Rule 242(c), SCACR.
2. This case consolidates two separate appeals, and a twenty (20) day extension of the January 20, 2021 deadline is needed to provide counsel with adequate time to prepare the petition.
3. An extension of the January 20, 2021 deadline is also necessitated by disruptions occasioned by the COVID-19 emergency, staffing issues, and counsel's time commitments/obligations in other cases.
4. Petitioner respectfully submits that there is good cause to allow the requested extension, as it is in furtherance of the interests justice, will not occasion any undue prejudice upon any other party, and is consistent with the extension protocol established by the Court's aforementioned order – S.C. Order No. 2014-07-16-01.

WHEREFORE, Petitioner respectfully requests that the Court allow him twenty (20) additional days to file/serve his petition for a writ of certiorari in this case – making the new deadline for such petition February 9, 2021. Petitioner also respectfully requests that this Honorable Court hold the present deadline in abeyance until it acts upon this motion.

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Respectfully submitted,



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*Attorney for Petitioner*

January 11, 2021  
Charleston, South Carolina