

THE STATE OF SOUTH CAROLINA
In The Supreme Court

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

RECEIVED
Jan 12 2021
SC Court of Appeals

Appellate Case No. 2018-000460

Unpublished Opinion No. 2020-UP-255 (S.C. Ct. App. filed Dec. 23, 2020)

Assistive Technology Medical Services, LLC..... Respondents,

v.

Hood & Selander, CPAS, LLC; Donna C. Cash,
as Personal Representative of the Estate of Dorothy
A. Connelly; W.E. Applegate, III, as Personal
Representative of the Estate of James B. Connelly;
Kimberly Cuce; and Phillip DeClemente, Defendants,

Of whom Phillip DeClemente is the Petitioner.

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

The 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 granted rehearing, withdrew its initial decision, and filed its substitute dispositional decision on December 23, 2020, making the deadline to file/serve a petition for a writ of certiorari Friday, January 22, 2021, pursuant to Rule 242(c), SCACR.
2. A twenty (20) day extension of the January 22, 2021 deadline is needed to provide counsel with adequate time to prepare the petition due to disruptions occasioned by the COVID-19 emergency, staffing issues, and counsel's time commitments/obligations in other cases.
3. 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 11, 2021. Petitioner also respectfully requests that this Honorable Court hold the present deadline in abeyance until it acts upon this motion.

Respectfully submitted,



Cameron L. Marshall (S.C. Bar 64192)
7 Gamecock Ave., Ste. 707
Charleston, S.C. 29407
[P] (843) 795-2998
[F] (843) 795-5081
cameron@attorneymarshall.com
Attorney for Petitioner

January 11, 2021
Charleston, South Carolina

THE STATE OF SOUTH CAROLINA
In The Supreme Court

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

RECEIVED
Jan 12 2021
SC Court of Appeals

Appellate Case No. 2018-000460

Unpublished Opinion No. 2020-UP-255 (S.C. Ct. App. filed Dec. 23, 2020)

Assistive Technology Medical Services, LLC..... Respondents,

v.

Hood & Selander, CPAS, LLC; Donna C. Cash,
as Personal Representative of the Estate of Dorothy
A. Connelly; W.E. Applegate, III, as Personal
Representative of the Estate of James B. Connelly;
Kimberly Cuce; and Phillip DeClemente, Defendants,

Of whom Phillip DeClemente is the Petitioner.

PROOF OF SERVICE

The undersigned hereby certifies that on the date indicated below he served counsel for Respondents, James E. Smith, Jr. with a copy of Petitioner's *MOTION FOR EXTENSION OF TIME TO FILE/SERVE PETITION FOR A WRIT OF CERTIORARI* by emailing the same to the following AIS email address:

James E. Smith, Jr.
james@jamesmithpa.com
Counsel for Respondents

The undersigned also certifies that, on the date indicated below, a copy of Petitioner's *MOTION FOR EXTENSION OF TIME TO FILE/SERVE PETITION FOR A WRIT OF CERTIORARI* has been sent to the South Carolina Court of Appeals via email using that court's email address, ctappfilings@sccourts.org.

[SIGNATURE AND DATE ON FOLLOWING PAGE]

January 11, 2020
Charleston, South Carolina



Cameron L. Marshall



January 11, 2021

VIA EMAIL ONLY

Honorable Daniel E. Shearouse, Clerk
South Carolina Supreme Court
By Email to: suptcfilings@sccourts.org

RECEIVED
Jan 12 2021
SC Court of Appeals

RE: Appellate Case No. 2018-000460
Assistive Technology Medical Services, LLC
v.
Phillip DeClemente.

Dear Mr. Shearouse:

Please find attached Mr. DeClemente's *Motion for Extension of Time to File/Serve Petition for a Writ of Certiorari* in reference to the matter above, along with proof of email service of this document on opposing counsel.

A copy of this letter, Mr. DeClemente's motion, and proof of service has also been emailed to the Court of Appeals.

Please let us know if a filing fee is needed. Thank you for your assistance in this matter.

Respectfully,

Cameron L. Marshall

Enclosures as stated

cc via email: Hon. Jenny Abbott Kitchings, Clerk of Court, S.C. Court of Appeals
cc via email: James E. Smith, Jr., Esquire