

THE STATE OF SOUTH CAROLINA
In The Supreme Court

RECEIVED

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

Jan 12 2021

SC Court of Appeals

Appellate Case No. 2018-001413

Unpublished Opinion No. 2020-UP-263 (S.C. Ct.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

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.

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

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.

[SIGNATURE BLOCK ON FOLLOWING PAGE]

Respectfully submitted,



Cameron L. Marshall (S.C. Bar 64192)

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Attorney for Petitioner

January 11, 2021
Charleston, South Carolina

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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.

January 11, 2020
Charleston, South Carolina



Cameron L. Marshall



January 11, 2021

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VIA EMAIL ONLY

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

RE: Appellate Case No. 2018-001413
Phillip DeClemente, a/k/a Alec Rochford,
v.
Assistive Technology Medical Equipment Services, LLC;
Jeffrey Reed; and Murrell G. Smith.
And
Phillip DeClemente, a/k/a Phillip Goodpaster,
v.
Assistive Technology Medical Equipment Services, LLC
(ATMES); Jeffrey Reed; and Murrell G. Smith.

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