

THE STATE OF SOUTH CAROLINA
In the Supreme Court

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APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

S.C. SUPREME COURT

*The Hon. Thomas A. Russo, Circuit Court Judge
(The Hon. Tamara C. Curry, Probate Court Judge)*

Appellate Case No. 2020-000901

Jacquelin S. Bennett and Kathleen S. Turner as Personal Representatives
of the Estate of Jacquelin K. Stevenson *Appellants,*

v.

Estate of James Kelly King and Genevieve S. Felder..... *Respondents.*

APPELLANTS' SECOND MOTION FOR AN EXTENSION OF TIME
TO FILE THE APPELLANTS' BRIEF AND APPENDIX

COMES NOW, the Appellants, respectfully moving before this honorable Court for an extension of ten (10) days to serve and file the Appellants' Brief and the Appendix on Appeal. This Court granted the Appellants' Petition for Writ of Certiorari on or about December 11, 2020. Appellants counsel subsequently requested an extension of time on January 8, 2021.

That same day, the Court partially¹ granted Appellants' request by issuing an Order extending the deadline to February 1, 2021. The Order referenced the South Carolina Supreme Court's previous Order, dated July 16, 2014 which states, in relevant part that: "Extensions beyond twenty days are permitted based only on 'extraordinary circumstances such as illness or other circumstances beyond

¹ *Appellants' Motion requested a thirty (30) day extension, however, this Court granted an extension of just twenty (20) days.*

the control of the movant [that] warrant the granting of the extension.” See, “Order”, Estate of Jacquelin K. Stevenson v. Felder, App. Case No. 2020-000901 (January 8, 2021).

The undersigned had previously intended to request an extension of time in light of the intervening Christmas and New Year’s holidays. However, on or about the afternoon of January 7, 2021, the undersigned was informed that his father had been diagnosed with cancer.² Four days later, the undersigned was informed that his maternal grandmother had been admitted to the ICU after testing positive for COVID-19 and within forty-eight hours, she would pass away.

The emotional and mental toll the aforesaid events had on the undersigned’s ability to practice notwithstanding, the planning, arrangements and travel associated with the funeral service and in tending to his father and mother required unexpected time away from work. Then, after returning home from the funeral service, the undersigned received an email informing him that a teacher at his five-month-old son’s daycare had tested positive for COVID-19. Pursuant to current DHEC guidelines, his son was unable to attend daycare and was forced to quarantine until February 2, 2021. The undersigned was, once again, unexpectedly forced to take time away from work to care for his infant.³

The undersigned respectfully contends that the foregoing sequence of events qualifies as “extraordinary circumstances... beyond the control of the movant” that warrant an additional ten (10) day extension. The undersigned has attempted, to the best of their ability, to convey the nature of these events and circumstances to the Court without any undue violation of their or their family’s privacy in a publicly-filed pleading. However, should the Court have any questions or require any

² While this fact was not referenced in Appellants’ January 8, 2021 Motion for an Extension, this was certainly a factor in the original request of thirty (30) days as the undersigned was unsure as to the severity of the diagnosis nor the anticipated treatment plan, and wanted to be available to his family during this time of need.

³ For the record, the undersigned was not alone during these endeavors and he would certainly be remiss if he failed to take a moment to both thank and commend his wife (who is also a licensed attorney of this State) for all of her love and support during this difficult month.

further details associated with this request, the undersigned will be glad to provide the same through whatever means the Court finds appropriate.

WHEREFORE, based upon the foregoing Appellants would respectfully and humbly pray this honorable Court for an Order extending the time in which to serve and file the Appellants' brief and the Appendix by ten (10) days, along with any other such further relief as this Court may deem just and proper.

Respectfully submitted this 1st day of February, 2021.

By: 

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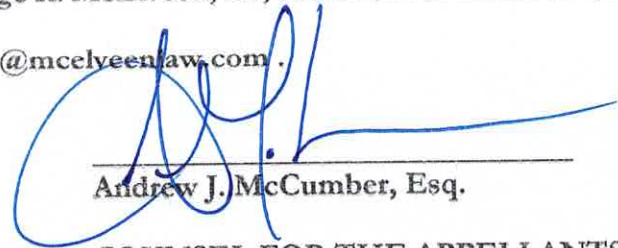
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AFFIDAVIT OF SERVICE

The undersigned certifies that the foregoing Appellants' Second Request for an Extension of Time was served upon the Respondents on this 1st day of February, 2021 by email and U.S. Mail to their counsel of record at the following address: **George R. McElveen, III, McElveen & McElveen, 2229 Bull Street, Columbia, SC 29201** and george@mcelveenlaw.com.



Andrew J. McCumber, Esq.

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