

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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SC Court of Appeals

APPEAL FROM BARNWELL COUNTY
In the Court of Common Pleas

Doyet A. Early, III, Circuit Court Judge
Clifton B. Newman, Circuit Court Judge

Lower Court Case No. 2013-CP-06-0059
Appellate Case No. 2019-000599

Lorena Robinson, Elaine Nix, Archie Patterson,
and Tami Bollerman, Plaintiffs,

Of Whom Archie Patterson and Tami Bollerman are the Respondents/Appellants,

v.

South Carolina Department of Employment and
Workforce Appellant/Respondent.

**SCDEW'S CONSENT MOTION FOR A THIRD EXTENSION OF THE
DEADLINE TO FILE INITIAL BRIEF AND DESIGNATION OF MATTER**

Pursuant to Rule 263(b), SCACR, Appellant South Carolina Department of Employment and Workforce (DEW), by and through the undersigned counsel, with the consent of counsel for Respondents Archie Patterson and Tami Bollerman, respectfully submit this request for the Court to stay the current February 3, 2021 deadline by which Appellant must file an Initial Brief and Designation of Matter and enter an Order granting a 5-day extension of the deadline.

The basis for this request is that the undersigned counsel requires additional time to finish briefing the issues in this appeal from seven circuit court orders entered in a class action lawsuit. As the Court is aware, the undersigned was not trial counsel in this matter, which has been making

its way through the courts for the better part of a decade. While the undersigned received a second extension of the instant deadline from the Court, unfortunately, some of the additional time given coincided with a bout of COVID-19 at the beginning of the New Year. Thereafter, the press of other business—coupled with teaching class at the law school—has consumed the undersigned counsel. In particular, the undersigned is the principal drafter of a petition for rehearing in a matter of public importance that the Supreme Court of South Carolina accepted pursuant to Rule 204(b), SCACR. Our supreme court issued its opinion on January 20, 2021—right in the middle of counsel preparing the brief in the present case—and the petition for rehearing is due on February 4, 2021. See Rule 221(a), SCACR. Although counsel has tried to juggle drafting the two, both cases are too important to give either one short shrift.

This case, stripped to its essence, involves the requirements for obtaining unemployment benefits and the obligations of the State’s Unemployment Insurance Trust Fund. These issues are extremely important to the parties, as well as the people of South Carolina, and they require thorough and appropriate treatment in the briefs. Against this backdrop, the undersigned begs the Court’s indulgence in this final request for additional time to finish briefing and ensure adequate time for client review. With this modest 5-day extension, the brief would be due on February 8, 2021. As noted above, counsel for Respondents graciously consented to this extension request. This is Appellant’s third request for an extension of the initial briefing deadline. Appellant will not seek any additional extensions of the initial briefing deadline.

Accordingly, in light of these extraordinary circumstances, the undersigned counsel for Appellant respectfully requests that the Court stay the deadline for filing the Initial Brief of Appellant, as well as Appellant’s Designation of Matter, and grant this consent motion for a 5-day extension of the deadline for good cause shown and in the interests of justice.

Respectfully submitted,

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Columbia, South Carolina
February 2, 2021

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and Tami Bollerman,Plaintiffs,

Of Whom Archie Patterson and Tami Bollerman are the Respondents/Appellants,

v.

South Carolina Department of Employment and
WorkforceAppellant/Respondent.

PROOF OF SERVICE

I certify that I have served Appellant's Consent Motion for a Third Extension of the Deadline for Filing the Initial Brief of Appellant and Designation of Matter on the following counsel of record by email on February 2, 2021.

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Columbia, South Carolina
February 2, 2021

Lisle Traywick

From: Lisle Traywick
Sent: Tuesday, February 2, 2021 8:42 AM
To: Dan Williams; Brad Hutto; 'Alexander Paterra'; Adam Protheroe; SBerk@scjustice.org
Cc: William H. Davidson II; Kenneth P. Woodington; Bobby Stepp; Rob Tyson; Robin Owens; Patterson_Bollerman v_ SCDEW _7652_1500_ Correspondence
Subject: Patterson v. SCDEW (App. No. 2019-000599) Appellant's Third Extension Request [IMAN-CLIENTS.FID327398]
Attachments: Patterson v. SCDEW (No. 2019-000599) Appellant's Third Request for Extension of Initial Briefing Deadline(37295263.1).pdf; Patterson v. SCDEW (No. 2019-000599) Proof of Service for Appellant's Third Extension Request for Initial(37295264.1).pdf

All,

Pursuant to In re Operation of the Appellate Courts During the Coronavirus Emergency, App. No. 2020-000447, Am. Order No. 2020-05-29-02, ¶ (g)(3) (S.C. Sup. Ct. filed May 29, 2020), attached for service upon you via email is Appellant's Consent Motion for a Third Extension of the Initial Briefing Deadline, as well as a Proof of Service, being filed in the Court of Appeals this morning.

Should you have any questions or concerns, please don't hesitate to contact us. Thanks and have a great day.

Best,

Lisle



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