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February 2, 2021

VIA EMAIL ONLY

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

RE: Appellate Case No. 2021-000038
Assistive Technology Medical Services, LLC
v.
Phillip DeClemente.

Dear Mr. Shearouse:

Please find attached Mr. DeClemente's *Second 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

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

Appellate Case No. 2021-000038

Unpublished Opinion No. 2020-UP-255 (S.C. Ct.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 *SECOND 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 *SECOND 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]

February 2, 2021
Charleston, South Carolina



Cameron L. Marshall

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Of whom Phillip DeClemente is the Petitioner.

**SECOND 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 fifteen (15) 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 second 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. On January 11, 2021, Petitioner filed his first Motion for Extension of Time to File/Serve Petition for a Writ of Certiorari with this Court. On January 14, 2021, this Court granted Petitioner's first motion, extending Petitioner's deadline to file and serve his Petition for Writ of Certiorari twenty (20) days and making the new deadline February 11, 2021.
3. An additional fifteen (15) day extension of the February 11, 2021 deadline is now needed to provide counsel with adequate time to prepare the petition due to extraordinary circumstances beyond Petitioner's control.
4. On December 27, 2020, counsel's former spouse and the mother of his two sons, Jennifer Marshall, was hospitalized as a result of a severe fall and resulting head injury. Though initially thought to be non-life threatening, Ms. Marshall's condition worsened into traumatic brain injury and she passed away on January 21, 2021. Throughout the past five weeks, counsel has spent considerable time grieving with family, speaking with healthcare providers, making funeral arrangements, and handling estate related matters.
5. Ms. Marshall's unexpected death has placed a tremendous burden on counsel's ability to prepare his client's petition, and constitutes extraordinary circumstances beyond his control.
6. Petitioner respectfully submits that granting the requested extension will further the interests of 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 this Court allow fifteen (15) additional days to file/serve his petition for a writ of certiorari in this case – making the new deadline for such petition February 26, 2021. Petitioner also respectfully requests that this Honorable Court hold the present deadline in abeyance until it acts upon this motion.

Respectfully submitted,



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Attorney for Petitioner

February 2, 2021
Charleston, South Carolina