

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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SC Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Perry H. Gravely, Circuit Court Judge

Appellate Case No. 2020-001144
Case No. 2020-CP-23-2023

Kierra Johnson, Appellant,

v.

Greenville County, Greater Greenville Sanitation District, the
South Carolina Department of Transportation, American
Southern Insurance Company, and the State Fiscal
Accountability Authority Defendants,

Of which American Southern Insurance Company is, Respondent.

**RESPONDENT'S RETURN TO APPELLANT'S MOTION
TO FILE AMENDED BRIEF OUTSIDE OF FILING DEADLINES**

On January 22, 2021, the Court of Appeals issued an Order granting the Respondent's Motion to Strike Materials Designated by Appellant for Inclusion in Record on Appeal. In that Order, the Court also directed the Appellant to serve and file an amended initial brief within twenty days of that Order. The amended

initial brief was therefore due by February 11, 2021. The Appellant did not meet that deadline.

On February 19, 2021, the Appellant filed a motion to file that amended initial brief out of time; however, the Appellant did not file the amended initial brief with her motion. The Respondent American Southern Insurance Company opposes the requested relief because the Appellant did not file the amended initial brief with the motion and, to date, has still not filed the amended initial brief in compliance with the Court's January 22, 2021 Order. Additionally, the Appellant's motion fails to offer any reason or "good cause" for the late filing.

Respectfully submitted,

LINDEMANN & DAVIS, P.A.

BY: s/ Andrew F. Lindemann

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*Counsel for Respondent
American Southern Insurance Company*

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CERTIFICATE OF SERVICE

Pursuant to Section (g)(3) of the Supreme Court's Order RE: Operation of the Appellate Courts During the Coronavirus Emergency Appellate Case No. 2020-000447 (as amended May 29, 2020), the undersigned employee of Lindemann & Davis, P.A., counsel for the Respondent American Southern Insurance Company, does hereby certify that service of **Respondent's Return to Appellant's Motion to File Amended Brief Outside of Filing Deadlines** was made upon all counsel of record by email only this the 1st day of March 2021:

Joshua T. Hawkins, Esquire
Helena L. Jedziniak, Esquire
Hawkins & Jedziniak, LLC
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s/ Andrew F. Lindemann



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March 1, 2021

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Via Email Only

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
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RE: Kierra Johnson v. Greenville County, Greater Greenville Sanitation District, the South Carolina Department of Transportation, American Southern Insurance Company, and the State Fiscal Accountability Authority
Appellate Case Number: 2020-001144
Civil Action Number: 2020-CP-23-2023
Claim Number: 7045583-CJ
Our File Number: 23.20315

Dear Ms. Kitchings:

Pursuant to Section (c)(6) of the Supreme Court's Order RE: Operation of the Appellate Courts During the Coronavirus Emergency Appellate Case No. 2020-000447 (As Amended May 29, 2020), please find enclosed for filing by email only **Respondent's Return to Appellant's Motion to File Amended Brief Outside of Filing Deadlines** in the above referenced matter. By copy of this letter, I am serving copies on all counsel of record by email only pursuant to Section (g)(3) of this same order.

If you have any questions, please advise.

Sincerely,

LINDEMANN & DAVIS, P.A.

Andrew F. Lindemann

AFL/jmb
Enclosure

cc: Joshua T. Hawkins, Esquire (*Via Email Only*)
Helena L. Jedziniak, Esquire (*Via Email Only*)