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Mar 04 2021

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE HORRY COUNTY
Court of Common Pleas

Benjamin Culbertson, Circuit Court Judge

Appellate Case No. 2020-001291

Julie Irving, Plaintiff/Respondents,

v.

Jeanne Poafpybitty, Donald Matthew Rothgeb and Steven Taylor Rothgeb

Defendants,

Of whom Jeanne Poafpybitty, Personal Representative
of the Estate of Donald M. Rothgeb is Appellant.

MOTION FOR EXTENSION
and/or
FOR STAY TO ACCOMMODATE MEDIATION
(Until April 19, 2021)

COMES NOW Appellant, Jeanne Poafpybitty, Personal Representative of the Estate of Donald M. Rothgeb, by and through the undersigned, who herein requests a third extension of time and/or a stay to file and serve Appellant's Initial Brief and Designation of Matter on or before April 19, 2021, unless the matter is sooner resolved at mediation scheduled for March 18, 2021. This motion being based upon the following good cause:

1. Due to the complex issues in this case, Appellant has retained additional Appellate Counsel, who has recently entered his appearance in this matter. *See* (Notice of Appearance, Thomas J. Rode filed March 3, 2021).

2. On February 3, 2021, the parties to this appeal participated in a telephone status conference with the Honorable Allen Beverly, Jr., of the Horry County Probate Court, during which the parties agreed to mediate all matters in dispute between them—including those matters at issue in this appeal.

3. Mediation is scheduled for March 18, 2021, with mediator Wayne Mumford, Esq.

4. Appellant seeks an extension of time and/or stay of this matter to accommodate for both the addition of new counsel and the aforementioned mediation.

5. If the matter is resolved *via* mediation Appellant will notify the Court on March 19, 2021.

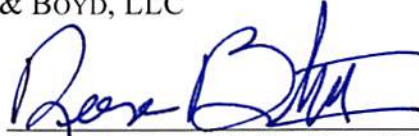
6. Alternatively, if the matter is not resolved at mediation Appellant asks that the time to file and serve Appellant's Initial Brief be thirty-days thereafter—i.e., April 19, 2021.

THEREFORE, and based upon the good cause stated above, and to accommodate the aforementioned mediation, Appellant requests that this Court Order briefing be extended and/or stayed such that Appellant's Initial Brief be due on or before April 19, 2021, unless Appellant sooner notifies the Court that the matter has been resolved.

Respectfully submitted,

[signature to follow]

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Attorneys for Appellant

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PROOF OF SERVICE

I hereby certify that the enclosed was served on all other parties to this matter by depositing a copy of the same in the U.S. Mail on this day.


Dawn Abernathy
Paralegal to Thomas J. Rode

Charleston, South Carolina

Dated: March 4, 2020.