

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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Mar 19 2021

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

SC Court of Appeals

The Honorable Alex Kinlaw, Circuit Court Judge

Case No.: 2020-CP-23-01213
Appellate Case No: 2020-001525

James Earl Tegeler Appellant

v.

Charlotte Collier, Hannah Elizabeth Collier, Linda Smith, Northgate Baptist Church ‘
Respondents

**RESPONDENTS’ JOINT RETURN TO APPELLANT’S MOTION FOR AN EXTENSION
OF TIME TO FILE INITIAL BRIEF**

This is an appeal from a Motion to Dismiss. Appellant’s initial brief in this case was due December 19, 2020. Appellant failed to file that brief and did not ask for an extension. On February 19, 2020 Appellant filed a Motion to File Out of time.¹ In that motion Appellant requested that his time to file a brief, already two months late, be extended a third month with a requested due date of March 19, 2021. In addition to filing a return opposing this motion, the Respondents have moved that the appeal be dismissed. The

¹ For reasons set forth in Respondents’ brief in opposition to that motion filed February 24, 2021, this motion was not procedurally appropriate.

Appellant has filed no response to that motion. This court has not ruled on Appellant's Motion to File out of Time nor Respondents' Motion to Dismiss the Appeal.

Appellant now moves for an "extension" of time until May 19, 2021, to file his brief --- five months after its original due date. Despite his brief being three months overdue he states in the motion that "[t]his request is the first request for an extension filed by Appellant." Appellant states that this motion is being made on the grounds "other impending professional matters and obligations have created a need for additional time to prepare Appellant's Initial Brief." Appellant has missed his deadline to file his brief, requested a one month extension in his motion to file out of time, and is now requesting a second two month extension.

For the reasons stated in their Motion to Dismiss, the Respondents would request this appeal be dismissed. The Appellant at that time can move to reinstate his appeal pursuant to SCRAP 260(a) upon presentation to the court of the requisite good cause. To date, the Appellant has not opposed Respondents' Motion to Dismiss. Appellant had failed and continues to fail to explain why his brief was not timely filed, much less why he needs five months to file it. For these reasons and those stated in Respondents' Motion to Dismiss the Respondents request the extension be denied and the appeal be dismissed.

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March 19, 2021