

THE STATE OF SOUTH CAROLINA
In the Supreme Court

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Apr 19 2021

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

S.C. SUPREME COURT

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Unpublished Opinion No. 2020-UP-255 (S.C. Ct.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 December 23, 2020)

Assistive Technology Medical Equipment Services, LLC,Respondent,

v.

Hood and Selander CPAS, LLC., Donna S Cash, as
Personal Representative for 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,

**RESPONDENTS' MOTION FOR EXTENSION OF TIME TO FILE
RESPONDENTS' RETURN TO PETITION FOR WRIT OF CERTIORARI**

Respondents by and through their 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*, request and extension of time to allow the Respondents to file the simultaneously submitted Return to Petition for Writ of Certiorari.

1. The Court of Appeals granted rehearing, withdrew its initial decision, and filed its substituted dispositive decision on December 23, 2020, making the deadline to file/serve a petition for writ of certiorari Friday, January 22, 2021, pursuant to Rule 242(c), SCACR.
2. Counsel for Petitioner was granted, without opposition from Respondent, two extensions to file the writ of certiorari.
3. Counsel for Respondents submits the same good cause submitted by Counsel for Petitioner in his first request for extension that this request is in furtherance of the interest of justice, will not occasion any undue prejudice upon any other party.
4. Counsel for Respondents respectfully submits that this extension of time is needed due to 1) the disruptions of COVID-19 risk mitigation, 2) he has been in the process of temporarily closing his practice and is currently working full-time in another position that does not permit him to handle during normal work hours the few remaining cases he is working to bring to conclusion and 3) he does not have any staff or office support to facilitate the handling of these matter. All of this is good cause to grant the requested extension.

WHEREFORE, Respondents respectfully requests that the Court extend the time to allow the simultaneously presented Return to Petition for Writ of Certiorari to be filed out of time.

Respectfully submitted,

April 19, 2021

s/ James E. Smith, Jr.

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