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Apr 19 2021
SC Court of Appeals

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Unpublished Opinion No. 2020-UP-255 (S.C. Ct.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 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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Attorneys for Respondents

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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 Petitioner, Cameron Marshall, with a copy of *Respondents' Motion for Extension of Time to File Respondents' Return to Petitioner's Writ of Certiorari and Respondents' Return to Petition for Writ of Certiorari* by emailing the same to the following AIS email address:

Cameron Marshall, Esq.
Cameron@attorneymarshall.com
Counsel for Petitioner

The undersigned also certified that on the dated indicated below a copy of *Respondents' Motion for Extension of Time to File Respondents' Return to Petitioner's Writ of Certiorari and Respondents' Return to Petition for Writ of Certiorari* has been sent to the South Carolina Court of Appeals via email using that court's email address, ctappfilings@sccourts.org and filing with the South Carolina Supreme Court using that court's email address supctfilings@sccourts.org .

Respectfully submitted,

April 19, 2021

s/ James E. Smith, Jr.

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April 19, 2021

Via Email Only

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

RECEIVED
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Re: Appellate Case No. 2021-000038
ATMES et al v. Phillip DeClemente

Dear Mr. Sherouse:

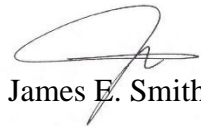
Please find the attached Motion for Extension of Time to File Return to Petition for Certiorari, Respondents' Return to Petition for Certiorari and Proof of Service of same.

A copy of this letter with the same documents and proof of service has been provided to the Court of Appeal and counsel of record.

Please do not hesitate to let us know if you need anything further.

With kind regards, I remain,

Very truly yours,



James E. Smith, Jr.

cc via email: Hon. Jenny Abbott Kitchings, Clerk of Court S.C. Court of Appeals
Cameron Marshall, Esq.

