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**May 06 2021**  
**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM NEWBERRY COUNTY  
Court of Common Pleas  
Donald B. Hocker, Circuit Court Judge

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Appellate Case No. 2020-001348  
Civil Action No. 2020-CP-36-00093

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Jefferson Davis, Jr. .... Appellant,

v.

Chad Connelly, Tom Persons, South Carolina Educational Credit for  
Exceptional Needs Children Fund ..... Respondents.

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**MOTION FOR THIRD AND FINAL EXTENSION OF TIME TO SERVE AND FILE  
INITIAL BRIEF AND DESIGNATION OF MATTER TO BE INCLUDED IN RECORD ON APPEAL  
ON BEHALF OF RESPONDENTS CHAD CONNELLY, TOM PERSONS, AND  
SOUTH CAROLINA EDUCATIONAL CREDIT FOR EXCEPTIONAL NEEDS CHILDREN FUND**

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Pursuant to Rules 208, 209, 240, and 263(b), SCACR, and South Carolina Supreme Court Order 2020-05-29-02 RE: Operation of the Appellate Courts During the Coronavirus Emergency, Respondents Chad Connelly, Tom Persons, and South Carolina Educational Credit for Exceptional Needs Children Fund hereby move for an order granting a third and final fourteen (14) day extension of time for the filing of the Initial Brief and Designation of Matter to be Included in the Record on Appeal in this matter. This request is made in good faith, and not for the purposes of delay, and is requested to due to a particularly heavy workload during the past several months. The granting of this request would mean that these documents would be required to be served and filed on or before May 21, 2021.

*s/Justin P. Novak* \_\_\_\_\_

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Justin P. Novak, Esquire  
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– and –

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***Attorneys for Respondents Chad Connelly, Tom  
Persons, and South Carolina Educational Credit  
for Exceptional Needs Children Fund***

May 6, 2021

THE STATE OF SOUTH CAROLINA  
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**PROOF OF SERVICE**

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I, the undersigned employee of Barnwell Whaley Patterson & Helms, LLC, herby certify that pursuant to Rules 208, 209, 240, and 263(b), SCACR, I have served the *Motion for Third and Final Extension of Time to Serve and File the Initial Brief and Designation of Matter to be Included in Record on Appeal on Behalf of Respondents Chad Connelly, Tom Persons and South Carolina Educational Credit for Exceptional Needs Children Fund* in this matter upon the Clerk of the South Carolina Court of Appeals, all counsel of record, and all pro se parties by electronic mail or mailing a copy by United States Mail, postage prepaid, on May 6, 2021, to the following addresses:

The Honorable Jenny Abbot Kitchings  
Clerk, South Carolina Court of Appeals  
Email: ctappfilings@sccourts.org

Jefferson Davis, Jr.  
403 McCarter Avenue  
Greenville, South Carolina 29615  
Email: jeff@apogeetax.com

/s Beverly Mitton  
Beverly Mitton

May 6, 2021

EST. 1938

# BARNWELL WHALEY

ATTORNEYS AT LAW

JUSTIN P. NOVAK

SPECIAL COUNSEL

[JNOVAK@BARNWELL-WHALEY.COM](mailto:JNOVAK@BARNWELL-WHALEY.COM)

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SC Court of Appeals

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**Via Email Only**

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, South Carolina 29211  
Email: [ctappfilings@sccourts.org](mailto:ctappfilings@sccourts.org)

RE: Jefferson Davis, Jr., Appellant, v. Chad Connelly, Tom Persons & South Carolina Educational Credit for Exceptional Needs Children Fund, Respondents.  
Appellate Case No. 2020-001348  
Our Matter No. 2026.116

Dear Ms. Kitchings:

M. Dawes Cooke, Jr., Geoffrey K. Chambers, and I represent Respondents Chad Connelly, Tom Persons, and the South Carolina Educational Credit for Exceptional Needs Children Fund in the above-referenced matter. As you may know, Appellant served and filed Appellant's Initial Brief and Designation of Matter to be Included in the Record on Appeal on February 5, 2021. On April 7, 2021, the Court of Appeals granted Respondents a second extension of time until May 7, 2021, to serve and file Respondents' Initial Brief and Designation of Matter to be Included in the Record on Appeal.

Respondents Chad Connelly, Tom Persons, and the South Carolina Educational Credit for Exceptional Needs Children Fund respectfully request a third and final fourteen (14) day extension of time to serve and file these documents pursuant to South Carolina Supreme Court Order 2020-05-29-02 and Rule 263(b), SCACR. The granting of this request would mean that these documents would be required to be served and filed on or before May 21, 2021.

This is these parties' third and final request for an extension of time. By copy of this letter, I am serving a copy of this correspondence upon Appellant.

BARNWELL WHALEY PATTERSON & HELMS LLC

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Sincerely,

*s/ Justin P. Novak*  
Justin P. Novak

JPN/bbm  
Enclosures

cc: Jefferson Davis, Jr., pro se (via U.S. Mail and E-mail)