

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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SC Court of Appeals

APPEAL FROM YORK COUNTY  
Court of Common Pleas

S. Jackson Kimball, Special Circuit Court Judge

Appellate Case No. 2017-001367

Elizabeth Hope Rainey, as the Guardian *ad Litem* to Owen C.,  
A minor ..... Appellant,

v.

South Carolina Department of Social Services ..... Respondent.

**MOTION FOR EXTENSION TO FILE PETITION FOR REHEARING,  
AND STAY OF SENDING REMITTITUR.**

The Respondent South Carolina Department of Social Services moves for an extension through and including Monday, August 9, 2021, within which to file its Petition for Rehearing of the referenced matter, and for a stay through the same date of the Court sending the remittitur to the lower court. This motion is made on the grounds that the Petition for Rehearing of the Court's July 21, 2021 decision is due on August 5, 2021, but the undersigned counsel has recently been diagnosed with Lymphoma, has begun chemotherapy treatments as of July 14, and has the second in a series of six such chemotherapy treatments on August 4, 2021, with the infusion scheduled from 8:00 a.m through 3:30 p.m., which will necessarily limit counsel's ability to work on the Petition August 4 and 5. Counsel therefore requests two additional business days—August 6 and 9—within which to complete and file the Petition.

This motion is based upon SCACR Rules 221 and 263(b), and counsel believes that good cause exists for the requested extension.

DAVIS FRAWLEY, LLC

  
s/ Patrick J. Frawley

Patrick J. Frawley; SC Bar No. 2118

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ATTORNEYS FOR RESPONDENT

Lexington, South Carolina

August 2, 2021



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v.

South Carolina Department of  
Social Services ..... Respondent.

**PROOF OF SERVICE**

I certify that I have served the Respondent South Carolina Department of Social Services' **Motion for Extension of Time within which to File Petition for Rehearing and Stay of Remittitur** in this matter by emailing it and depositing a copy of it in the United States Mail, postage prepaid on August 2, 2021, addressed to the Appellant's attorney of record, Whitney B. Harrison of McGowan, Hood & Felder, LLC, 1517 Hampton Street, Columbia SC 29201.

DAVIS FRAWLEY, LLC

BY:

  
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Δ Certified Circuit Court Mediator

**VIA E-MAIL ONLY**  
August 2, 2021

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**SC Court of Appeals**

The Honorable Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
[ctappfilings@sccourts.org](mailto:ctappfilings@sccourts.org)

RE: *Elizabeth Hope Rainey, as the appointed Guardian ad Litem to Owen Carduff, a minor,*  
*v. South Carolina Department of Social Services.*  
Appellate Case No. 2017-001367

Dear Ms. Kitchings:

Enclosed, please find my Motion for Extension to File Petition for Rehearing and Stay of Sending Remittitur through August 9, 2021 in the referenced matter, and proof of service of the Motion on opposing counsel for the referenced appeal.

By copy of this letter to the attorneys for the Appellant, I am serving them with copies of the enclosed documents as well.

Thank you in advance for your help.

Yours very truly,

  
Patrick J. Frawley

/pjf;

Enclosures

cc: Whitney B. Harrison  
McGowen, Hood & Felder, LLC  
1517 Hampton Street  
Columbia SC 29201

The Honorable Jenny Abbott Kitchings

Clerk of Court

South Carolina Court of Appeals

RE: *Elizabeth Hope Rainey, as the appointed Guardian ad Litem to Owen Carduff, a minor,*  
*v. South Carolina Department of Social Services.*

Appellate Case No. 2017-001367

August 2, 2021

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