

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE COURT OF COMMON PLEAS
CIVIL ACTION NO: 2018-CP-40-1798

Marie Assa'ad-Faltas,

Plaintiff,

vs.

State of South Carolina,

Defendants.

**ORDER GRANTING RESPONDENT'S
MOTION FOR CONTINUANCE**

RECEIVED

Oct 20 2021

SC Court of Appeals

Dr. Faltas' (Applicant's) PCR was filed in Richland County on April 2, 2018. The State (Respondent) filed its Return and Motion to Dismiss without Prejudice on May 16, 2018. Respondent's Motion to Dismiss without Prejudice has not been rescheduled (since its cancellation due to weather) or heard by the court. Applicant subsequently filed an Amended Application for PCR on September 10, 2018. On November 19, 2018, Applicant filed a Motion for the State's Default And Request for the Motion to be Heard Immediately For Policy Considerations and the Ends of Justice. Respondent filed an Amended Return, Partial Motion to Dismiss, and Motion for More Definite Statement on December 3, 2018.

The Motion for State's Default was scheduled for December 14, 2018 at Noon. Notice of the hearing was provided by the Chief Administrative Judge for this case via email on Friday, November 30, 2018. In addition to the aforementioned matter, Judge McLeod has approximately seventy-five (75) motion hearings and appeals scheduled for the December 10th term of court in Richland County. Counsel for Respondent filed a Motion for Continuance of Out-Of-Term Motions Hearing on December 6, 2018, and provided several grounds for seeking a continuance of the hearing scheduled for December 14, 2018. Counsel for Respondent provided that she had

pre-existing plans to be out of town on Friday, December 10th, as no PCR docket was previously published prior to November 30th, she had not sought protection from the court. The court would not expect Respondent's counsel to seek protection for that day as nothing had previously been scheduled for the matter and it was not a PCR term of court.

In addition, after a review of the pleadings, filings, memoranda, and emails, it is evident that Applicant intends to argue substantive issues and on the merits of the case, as expected pursuant to existing case law and increasing the scope of the hearing from its original intent. Applicant has communicated that she desires to convert her Motion for State's Default into a Motion for Summary Judgment or Judgment on the Pleadings.

Based on this information, the court believes a hearing on the merits would require far more time and resources than would be reasonable for the scheduled time and date. In addition, there are eight (8) other cases scheduled for the same day that have been waiting for their day in court; some of these cases are from 2004, 2005, 2011, 2013, and 2017. While the court understands Applicant's position and logical sense of urgency in the matter, the other, older cases deserve the court's attention and resources too. In light of Respondent's motion, the court finds good cause exists to continue this matter. As such, the court grants Respondent's Motion for Continuance.

IT IS SO ORDERED.


Walton J. McLeod, IV
Presiding Judge

December 7, 2018
Columbia, South Carolina