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Nov 19 2021

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the 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 AND SERVE
PETITION FOR WRIT OF CERTIORARI AND APPENDIX.**

The Respondent South Carolina Department of Social Services moves for an extension of 28 days, through and including Monday, December 20, 2021, within which to file its Petition for Writ of Certiorari.

This motion is made on the grounds that the Respondent’s Petition for Rehearing of the Court of Appeals’ July 21, 2021 decision was denied by Order dated October 21, 2021, with the Petition for Writ of Certiorari due on November 22, 2021, but the undersigned counsel has been receiving chemotherapy treatments from July 14, 2021 through October 27, 2021, follow-up oncology appointments are scheduled for November 22 and thereafter for a PETScan, and counsel received word November 15 that he has surgery scheduled for December 9, 2021. Although counsel is informed and believes that the treatment has been successful, the October

27, 2021 chemotherapy treatment is expected to be the final treatment, and the December 9 surgery is expected to resolve the remaining oncology issue, the residual and cumulative effects of the chemotherapy have impaired counsel's stamina and ability to focus on the issues necessary to draft the petition along with other matters incident to his duties, and counsel anticipates that the December 9 surgery, and the convalescence thereafter, although out-patient surgery, will further limit his abilities to complete the work necessary. Counsel is informed and believes that the fore-going constitutes extraordinary circumstances beyond the control of the movant, warranting a one-time extension of 28 days that will afford the time necessary to complete the work and file and serve the Petition and Appendix.

Counsel therefore requests an extension of 28 days within which to file and serve the Petition for Writ of Certiorari and Appendix.

This motion is based upon SCACR Rules 242 and 263(b), and the South Carolina Supreme Court Order *In re Extensions in Cases Seeking a Petition for a Writ of Cert. to Review a Decision of the S.C. Ct. of App.*, S. C. Sup. Ct. Order (July 16, 2014).

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ATTORNEYS FOR RESPONDENT

Lexington, South Carolina

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PROOF OF SERVICE

I certify that I have served the Respondent South Carolina Department of Social Services' Motion for Extension to File and Serve Petition for Writ of Certiorari and Appendix in this matter by depositing a copy of it in the United States Mail, postage prepaid on November 19, 2021, addressed to their attorney of record, Whitney B. Harrison of McGowan, Hood & Felder, LLC, 1517 Hampton Street, Columbia SC 29201.

DAVIS FRAWLEY, LLC

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