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Jan 19 2022

SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT  
State of South Carolina

H. W. Funderburk, Jr.  
Administrative Law Judge

Case No. 2021-001353

Scott Hess .....Appellant

v.

South Carolina Criminal Justice Academy .....Respondent.

**MOTION FOR SECOND EXTENSION TO FILE  
APPELLANT’S INITIAL BRIEF AND DESIGNATION OF MATTER**

The Appellant, Scott Hess, through his undersigned counsel, hereby requests of this Honorable Court an extension of time in which to file Appellant’s Initial Brief and Designation of Matter in the above-referenced matter. Pursuant to Rules 208 & 209, SCACR, Appellant’s Initial Brief and Designation of Matter are currently due January 19, 2022. The grounds for this extension are: (1) Plaintiff’s counsel started a jury trial in the Court of Common Pleas, Richland County on January 4, 2022, which was not anticipated at the time Plaintiff filed its first motion for extension; and (2) Plaintiff’s counsel was out-of-state on vacation at Disney from Sunday, January 9, 2022, through Saturday, January 15, 2022. Plaintiff’s undersigned counsel had planned to finalize the Brief and Designation upon his return from vacation but such plans have been interrupted by weather, tending to other matters, and a State Court hearing being scheduled

for Tuesday, January 18, 2022, as well as a deposition for Wednesday January 19, 2022, while away. This is Plaintiff's second request for an extension. The undersigned certifies that he has attempted to contact Respondents' counsel(s) but have not received a response – either consenting or objection – to this motion.

Pursuant to the grounds listed above, the undersigned respectfully requests a nine (9) day extension in which to prepare Appellant's Initial Brief and Designation of Matter. A nine (9) day extension would move this deadline to January 28, 2022.

CROMER BABB PORTER & HICKS, LLC

BY:   
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*Attorney for Appellant*

January 19, 2022  
Columbia, South Carolina

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PROOF OF SERVICE

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Pursuant to Section (d)(1) of the South Carolina Supreme Court’s Order Re: Methods of Electronic Filing and Service Under Rule 262 of the South Carolina Appellate Court Rules (issued August 25, 2021), the undersigned employee of Cromer Babb Porter & Hicks, LLC, counsel for the Appellant, does hereby certify that service of the **Appellant’s Motion for Second Extension to file Appellant’s Brief and Designation of Matter** in the above-captioned matter was made upon all counsel of record by e-mail only at the below email addresses this 19<sup>th</sup> day of January 2022:

James M. Fennell, Esquire  
Bradley J. Young, Esquire  
South Carolina Criminal Justice Academy  
Email: [jfennell@sccja.sc.gov](mailto:jfennell@sccja.sc.gov)  
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*Attorney for Appellant*

January 19, 2022  
Columbia, South Carolina