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S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA  
In the Supreme Court

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

J.C. Nicholson, Jr., Circuit Court Judge  
Deadra L. Jefferson, Circuit Court Judge

Appellate Case No. 2021-000038

Assistive Technology Medical Equipment Services, LLC .....Respondent,

v.

Hood and Selander CPAS, LLC, Donna S. Cash, as  
Personal Representative for the Estate of Dorothy A.  
Connelly, W.E. Applegate, III, as Personal  
Representative of the Estate of James B. Connelly,  
Kimberly Cuce, and Phillip DeClemente..... Defendants,

Of Whom Phillip DeClemente is the .....Petitioner.

**PETITIONER’S CONSENT MOTION FOR EXTENSION OF  
TIME TO FILE/SERVE BRIEF AND APPENDIX**

The Petitioner, Phillip DeClemente, by and through undersigned counsel, and with Respondent’s consent, hereby moves this Honorable Court for a twenty (20) day extension of time to file and serve his brief and appendix, pursuant to Rule 243(b), SCACR. In support of this Motion, Petitioner states the following:

1. On January 13, 2022, this Court granted certiorari on all questions presented in Petitioner’s Petition for a Writ of Certiorari, and directed Petitioner to serve and file ten (10) copies of the appendix and ten (10) copies of his brief in the manner provided by Rule 242(i), SCACR.

2. The current deadline for Petitioner to file and serve copies of the appendix and brief is Monday, February 14, 2022, pursuant to Rules 242(i) and 263(a), SCACR.

3. Due to the following unalterable circumstances, a twenty (20) day extension of this deadline is requested to allow Petitioner's counsel the time necessary to prepare Petitioner's brief and appendix:

a. Petitioner's counsel has scheduling conflicts and urgent obligations in other cases. Petitioner's counsel certifies that he is representing the plaintiff in a federal lawsuit, *Lyman v. Greyhound Lines, Inc.*, Case No. 2:20-cv-01812-DCN, currently pending in the District of South Carolina with a discovery deadline of January 30, 2022. In that case, the undersigned and defense counsel are conducting ten (10) separate witness depositions between January 18 – January 28, 2022. In this same case, Petitioner's counsel is drafting dispositive motions and *Daubert* motions with accompanying briefs for filing before the corresponding deadline of February 13, 2022. Counsel also has obligations and deadlines in several other cases pending in both state and federal court and has not yet been able to devote sufficient time to this appeal.

b. Petitioner's counsel further certifies that he is a solo-practitioner and currently lacks the office support and staff necessary to meet this Court's current February 14, 2022 deadline. Petitioner's counsel is presently working without the assistance of a paralegal, despite persistent efforts to fill the position. Counsel has therefore been handling all administrative tasks in addition to representing his clients in and out of court.

4. Petitioner respectfully submits that there is good cause to allow the requested extension of the February 14, 2022 deadline. Such an extension is in furtherance of the interests of justice and

will not occasion any undue prejudice upon the opposing party or counsel, Mr. James E. Smith, Jr., Esq., who has kindly consented to this request.

WHEREFORE, Petitioner respectfully requests that this Court allow him twenty (20) additional days to file and serve Petitioner's brief and appendix, and asks that the present deadline be held in abeyance until the Court's Order is entered.

Respectfully submitted,

*s/ Cameron L. Marshall*  
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January 28, 2022  
Charleston, South Carolina