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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM HAMPTON COUNTY
Court of Common Pleas

Carmen T. Mullen, Circuit Court Judge

RECEIVED
MAR 20 2013
SC Court of Appeals

Case No. 2010-CP-25-491 and 492
Court of Appeals Case No. 2012-207308

Cherry Scott, as Personal Representative of the Estate of
Elizabeth Jones Respondent,
v.

Heritage Healthcare of Estill, LLC d/b/a Heritage of the Lowcountry
and/or Uni-Health Post Acute Network of the Lowcountry, United
Clinical Services, Inc., United Rehab, Inc., and UHS Pruitt Corporation. Appellants.

MOTION FOR EXTENSION OF TIME

Pursuant to Rules 208 and 240, Appellants hereby request a 30-day extension of
time to file its Initial Brief of Appellants.

The basis for this Motion involves issues with the written transcript of the hearing
from which this appeal was taken. The hearing took place on October 7, 2011, and the transcript
was originally requested by letter dated October 11, 2011, to the court reporter, Deborah Everett.
The original request was returned to counsel for Appellants due to a change of address of Ms.
Everett. The undersigned counsel sent a second request to Ms. Everett on November 3, 2011. In
response to that request, Ms. Everett requested pre-payment of \$100 for the transcript. Counsel
for Appellants forwarded the payment of \$100 to Ms. Everett on November 8, 2011. Counsel for

Appellants followed up by email on February 1, 2012, to Ms. Everett inquiring about the status of the transcript. On February 7, 2012, the undersigned counsel received a response from Ms. Everett that the transcript was in the process of being proofed. In reply that same day, Counsel for Appellants requested receipt of the transcript as quickly as possible. When counsel did not receive the transcript, Ms. Everett was contacted again on April 3, 2012, and May 16, 2012. On May 21, 2012, Ms. Everett responded that she would finalize the transcript by the end of the week. Additional attempts to contact Ms. Everett were unsuccessful, and both the Court of Appeals and Court Administration were made aware of the situation. With the assistance of Court Administration and the Court, a written transcript was received by counsel for the Appellants on February 15, 2013, and it had been prepared by Harriet Bennett, a retired court reporter.

The undersigned counsel informed the Court of Appeals by letter dated February 15, 2013, that it had received the transcript that same day. Accordingly, the initial deadline for the Initial Brief of the Appellants was March 18, 2013. After counsel for Appellants and counsel for Respondents reviewed the entire transcript, various typographical and/or stenographical errors were noted, and both parties sent Ms. Bennett respective errata sheets so that the transcript would be as accurate as possible for review by the appellate court and for citation purposes. Thereafter, counsel for the Appellants informed the Court of Appeals in a letter dated March 12, 2013, that given the transcript errors and both parties' requests for revisions to the transcript, Appellants requested the time period to file the Initial Brief be delayed until receipt of the corrected final transcript. Counsel for the Appellants also indicated they would file a more formal motion if necessary and that Respondent's counsel consented to the request. The undersigned counsel called the Court of Appeals on March 15, 2013, to follow up to the letter of

March 12th and left a message regarding the request to delay the deadline for the Initial Brief until a final revised transcript was received.

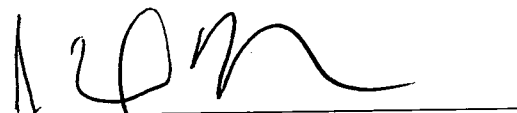
On March 18, 2013, the undersigned counsel received a letter from Ms. Bennett in which she indicated to Respondent's counsel that she did not believe she could not make any revisions given that she was only able to transcribe what Ms. Everett recorded in her stenomask during the actual hearing. The parties are currently discussing the appropriate way to include the corrections to the written transcript into the Record on Appeal.

Given that the undersigned counsel was waiting on a final transcript from Ms. Bennett until receiving a copy of her letter on March 18, 2013, and although the undersigned counsel previously advised the Court of Appeals of the timing issues caused by the incomplete transcript, Appellants respectfully move out of time to request a 30-day extension from the original deadline for its Initial Brief. The original deadline, based upon receipt of the first written transcript, was March 18, 2013. Counsel for Respondent has been consulted and consents to this extension, and this is the first request for an extension of time.

Respectfully submitted,

SOWELL GRAY STEPP & LAFFITTE, L.L.C.

By:



Monteith P. Todd
J. Michael Montgomery
1310 Gadsden Street
Post Office Box 11449
Columbia, South Carolina 29211
Tel: (803) 929-1400
Fax: (803) 929-0300

Jason E. Bring
William Jerad Rissler
Tyler Arnold
Arnold Golden & Gregory, LLP
171 17th Street, NW, Suite 2100
Atlanta, GA 30363
(404) 873-8780

Attorneys for Appellant, Heritage Healthcare of Estill, LLC
d/b/a Heritage of the Lowcountry and/or Uni-Health Post
Acute Network of the Lowcountry, United Clinical
Services, Inc., United Rehab, Inc., and UHS Pruitt
Corporation

Columbia, South Carolina

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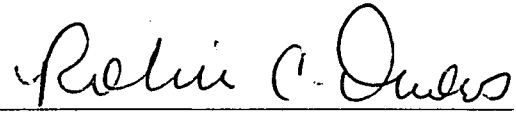
CERTIFICATE OF SERVICE

I, the undersigned legal assistant, of the law offices of Sowell Gray Stepp & Laffitte, LLC, attorneys for Appellants, do hereby certify that I have served all counsel in this action with a copy of the Motion for Extension of Time to File Brief of Appellant by mailing a copy of same to counsel via United States Mail, postage prepaid, at the following address(es):

Lee D. Cope
Peters, Murdaugh, Parker, Eltzroth & Detrick
101 Mulberry Street East
Post Office Box 457
Hampton, SC 29924

Charles J. McCutchen
Lanier & Burroughs, LLC
Post Office Drawer 2789
Orangeburg, SC 29116

Margie Bright Matthews
Post Office Box 499
Walterboro, SC 29488



Robin C. Owens
Robin C. Owens
Legal Assistant

3/20, 2013

March 20, 2013

VIA HAND DELIVERY

Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

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SC Court of Appeals

RE: Cherry T. Scott, as PR of the Estate of Elizabeth Jones v.
Heritage Healthcare of Estill, LLC d/b/a Heritage of the Lowcountry
and/or d/b/a Uni-Health Post Acute Care of the Lowcountry,
United Clinical Services, Inc., United Rehab, Inc., and UHS-
Pruitt Corporation
Civil Action No. 10-CP-25-491 and 492
SC Court of Appeals Case No. 2012-207308
Our File No. 5593/1507

Dear Ms. Kitchings:

I enclose for filing the original and seven copies of a Motion for Extension of Time of the Appellants to file their Initial Brief and Designation of Matter to be Included in the Record on Appeal in the above-referenced matter. Respondent's counsel has consented to this motion. I have also enclosed our firm's check in the amount of \$25 in payment of the appropriate filing fee. Please return a clocked-in copy of same to me for our records.

By copy of this letter to counsel shown below, I am serving a copy of same upon them by mail.
With warmest regards, I remain

Very truly yours,


J. Michael Montgomery

JJM:rco
Enclosures



March 20, 2013

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Litigation is our Business.

cc: Lee Cope, Esquire
Margie Bright-Matthews, Esquire
Matthew Creech, Esquire
Tyler Arnold, Esquire
Charles McCutchen, Esquire
Monteith P. Todd, Esquire