

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

68307

APPEAL FROM RICHLAND COUNTY
DeAndrea Gist Benjamin, Circuit Court Judge

RECEIVED

MAY 08 2013

Case No. 2010-CP-40-5214

SC Court of Appeals

Demetrius Mack, Respondent,

v.

Leon Lott, in his Official Capacity
as Sheriff of Richland County, Appellant.

**MOTION FOR EXTENSION TO
FILE INITIAL BRIEF**

The Appellant Leon Lott respectfully moves this Court for an additional five day extension of time until May 8, 2013, by which to file and serve his Initial Brief and Designation of Matter to be Included in the Record on Appeal.

The Appellant's motion is based on the following grounds:

1. The Initial Brief is currently due to be filed and served on May 3, 2013.
2. Counsel for the Appellant requires additional time to complete the preparation of the Initial Brief because of the continued unavailability of Robert D. Garfield, who is the attorney who tried the case and whose assistance in preparing the Appellant's brief is needed. Mr. Garfield has been away from the office and out-of-town for most of the past three weeks because of an ailing

parent. Mr. Garfield's father has undergone two heart-related procedures, the latter an open-heart surgery with an extended course in the intensive care unit. Mr. Garfield is expected to return to the office full-time next week, and as a result, the Appellant's counsel expects to be able to complete and file the initial brief with this additional time.

3. The undersigned was unable to consult with opposing counsel prior to the filing this motion because he was out of town on other business. Opposing counsel consented to the prior extension because of the illness in Mr. Garfield's family, and it is anticipated that he would consent to an additional five days under these circumstances.

WHEREFORE, the Appellant respectfully requests that he be allowed until May 8, 2013, by which to file and serve his Initial Brief and Designation of Matter to be Included in the Record on Appeal.

DAVIDSON & LINDEMANN, P.A.

BY: 

ANDREW F. LINDEMANN
ROBERT D. GARFIELD
1611 Devonshire Drive
Post Office Box 8568
Columbia, South Carolina 29202
(803) 806-8222

Counsel for Appellant Leon Lott

Columbia, South Carolina

May 3, 2013

CERTIFICATE OF SERVICE

The undersigned employee of Davidson & Lindemann, P.A., attorneys for the Appellant, does hereby certify that service of the **Motion for Extension to File Initial Brief** in the above-captioned matter was made upon all counsel of record by placing copies in the United States Mail, first class postage prepaid, at the below listed addresses clearly indicated on said envelopes this the 3rd day of May 2013:

Neal M. Lourie, Esquire
Lourie Law Firm, LLC
Post Office Box 12089
Columbia, South Carolina 29211



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SC Court of Appeals

DAVIDSON & LINDEMANN, P.A.

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May 3, 2013

Writer's Email: alindemann@dml-law.com

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

RE: Demetrius Mack v. Richland County Sheriff Leon Lott, in his Official Capacity
SCCA Case Number: 2012-212277
Civil Action Number: 2010-CP-40-5214
Our File Number: 314.8515

Dear Ms. Kitchings:

Please find enclosed for filing the original and seven copies of the **Motion for Extension to File Initial Brief** in the above referenced matter. Please file the original and return a clocked-in copy to me by way of my courier. I have also enclosed my firm's \$25.00 check for the filing fee.

By copy of this letter, I am serving copies on all counsel of record.

Thank you for your assistance in this matter.

Sincerely,

DAVIDSON & LINDEMANN, P.A.



Andrew F. Lindemann

AFL/jmb
Enclosures

cc: Neal M. Lourie, Esquire (w/ Enclosures)

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