

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM SUMTER COUNTY

Court of Common Pleas

Thomas E. Player, Jr., Special Referee

Appellants Case No. 2022-000601

**RECEIVED**  
SEP 19 2022  
SC Court of Appeals

John Weible .....Respondent,

v.

Russell Self and Brandy Brunson ..... Appellants.

MOTION REQUESTING PERMISSION TO SERVE AND FILE APPELLANT’S INITIAL  
BRIEF AND DESIGNATION OF MATTER OUTSIDE OF THE FILING DEADLINES SET  
BY RULES 208 AND 209

AND

MOTION FOR EXTENSION OF TIME TO FILE INITIAL BRIEF  
AND DESIGNATION OF MATTER

The Appellants hereby move for permission to serve and file Appellant’s Initial Brief and Designation of Matter outside of the filing deadlines set by Rules 208 and 209 and for an extension of time of thirty (30) days in which to file the Initial Brief and Designation of Matter.

When this appeal was initially filed, before receipt of all transcripts, by letter dated May 13, 2022, the Court of Appeals questioned whether or not the case might be appealable and

requested the parties submit Memorandum on that issue, noting that time limits were held in abeyance pending that consideration.

Each side submitted the requested Memorandum.

By letter July 29, 2022, the Court of Appeals decided that the appeal shall proceed and asked Appellant within ten (10) days to advise whether all transcripts had been received “so that appropriate deadlines may be set”. Appellants’ attorney sent such a letter to the Court of Appeals on about August 2, 2022, advising that all transcripts had been received. Counsel for Appellant then waited to receive notice that the appropriate deadlines had been set.

When no such notice was received, counsel attempted to contact the Court of Appeals on about August 30<sup>th</sup> by email and 31<sup>st</sup> by phone call to inquire if such deadlines had been set, because thus far counsel had not yet received same. No response was received to those inquires until the letter of September 13, 2022, advising that the time for filing and serving the initial brief and designation of matter had expired and stating that within ten (10) days, those needed to be submitted to the court with a Motion requesting permission to serve and file outside of the filing deadlines set by Rules 208 and 209 of Appellant Court Rules. Appellants’ counsel apparently had failed to understand the language of the letter of July 29, 2022, believing that the court had indicated that deadlines would be set by the court as to when documents would be due.

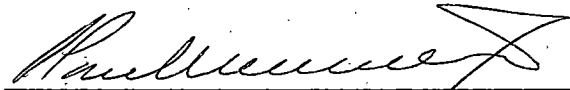
The reasons for the request for this extension due date are that the brief and designation of matter have not been completely prepared and the office assistant most familiar with the case and Appellate Court procedures will be out of state beginning September 16 and returning on September 26, 2022, to attend the funeral of a family member.

Counsel understands that the Court will generally grant an extension request of thirty (30) days. Based on my email of August 31, 2022, copy attached, it is obvious that Appellants' counsel was confused by the language of the July 29, 2022 letter, as to the filing deadlines, and counsel requests that Court consider that email to have been a request for an extension.

Prior to submitting this Motion, the Appellants counsel has conferred with the attorney for the Respondent who acknowledged receipt of the September 13, 2022, letter. Respondent's counsel understands that the undersigned was going to request the extension.

Wherefore, the undersigned moves before the Court of Appeals for permission to serve and file Appellant's Initial Brief and Designation of Matter outside of the filing deadlines set by Rules 208 and 209 and for an extension of thirty (30) days to file and serve the Initial Brief and Designation of Matter, based on the misunderstanding that deadlines would be set per the language of the July 29, 2022, letter.

RESPECTFULLY SUBMITTED:



A. Paul Weissenstein, Jr., Esq., SC Bar No : 6013  
Attorney for Appellants  
106 Broad Street  
P.O. Box 2446  
Sumter, South Carolina 29151  
(803) 418-5700

September 15, 2022  
Sumter, SC



Paul Weissenstein <pwlaw2@gmail.com>

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**Weible vs Self Case No: 2022-000601**

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Paul Weissenstein <pwlaw2@gmail.com>  
To: "Clark, Tyler P." <tpclark@sccourts.org>

Wed, Aug 31, 2022 at 12:04 PM

Dear Mr. Clark,

Just checking in to see if the Appeals Court has scheduled the date for the Appeal Brief to be submitted and to make sure any notice has not been lost in the mail.

We submitted on August 2, 2022 that we had our transcripts.

Please advise.

Yours very truly,

A. Paul Weissenstein, Jr.  
Weissenstein Law Firm, LLC  
Physical Location:  
106 Broad Street  
Sumter, SC 29150  
UPS/FedEx/USPS overnight - send to:  
106 Broad Street, Sumter SC 29150  
Mailing address:  
106 Broad Street, Sumter SC 29150  
or P.O. Box 2446, Sumter, SC 29151  
Telephone: 803-418-5700  
Fax: 803-934-1505

**Weissenstein Law Firm, LLC**

*Attorney at Law*

106 Broad Street

Post Office Box 2446

Sumter, South Carolina 29151-2446

Telephone: (803) 418-5700

Facsimile: (803) 934-1505

E-Mail: [pwlaw2@gmail.com](mailto:pwlaw2@gmail.com)



A. Paul Weissenstein, Jr.

September 15, 2022

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SEP 19 2022

**SC Court of Appeals**

Via Email

Ms. Claire Allen  
Chief Deputy Clerk  
SC Court of Appeals  
1220 Senate St.  
Columbia, SC 29201

Tyler Clark  
Appeals Specialist  
SC Court of Appeals  
1220 Senate St.  
Columbia, SC 29201

IN RE: John Weible, Respondent vs Russell Self and Brandy Brunson, Appellants  
Case No: 2022-000601

Dear Ms. Allen and Mr. Clark,

Attached is a Motion requesting permission to serve and file Appellant's Initial Brief and Designation of Matter outside of the filing deadlines set by Rules 208 and 209, and a Motion for Extension of time. I am sending this to you by email due to shortage of time that my Initial Brief and Designation of Matter is otherwise required to be submitted to the Court of Appeals pursuant to the letter from the Court of Appeals issued on September 13, 2022. I am emailing this to you hoping that the court will act on the Motions before the September 23, 2022, deadline. I am placing the original of the Motions in the mail to you.

Yours very truly,

A handwritten signature in black ink, appearing to read "A. Paul Weissenstein, Jr.", written over a horizontal line.

A. Paul Weissenstein, Jr.

APW,jr/jab  
Enclosure

Cc: Michael Jordan

**WEISSENSTEIN LAW FIRM, LLC**

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SUMTER, SC 29151

COLUMBIA SC 290

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Ms. Claire Allen  
Chief Deputy Clerk  
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COLUMBIA SC 29201-3769

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