

January 26, 2023

VIA EMAIL AND U.S. MAIL

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

RECEIVED

Jan 26 2023

SC Court of Appeals

Re: LB PARK, LLC v. San Juan Holdings, Brett Osborne trustee, et al.;
C.A. No.: 2020-CP-46-00549;
Appellate Case No.: 2022-001650.

Ms. Kitchings:

I am in receipt of your January 23, 2023 letter informing me that my appeal will now be held in abeyance until the Court decides my motion to extend the page limit for my initial brief. I am perplexed by your actions pertaining to this case. First, you required me to order a transcript that I did not need and which the rules do not require me to order. Now, you are holding my appeal in abeyance pending the outcome of my unopposed motion to extend the page limit of my brief, in violation of the clear language of Rule 240(b) SCACR which states -

"Unless otherwise provided by these Rules, **or ordered by the appellate court**, the time limits imposed by these Rules **shall not be stayed by the filing of a motion or petition.**"

The Rules do not provide for a stay, or abeyance, pending the decision on a purely administrative matter (increasing brief page limit). Therefore, according to Rule 240(b), SCACR a court order is required to stay, or hold in abeyance, this appeal until a decision on my unopposed motion is made. However, for the Court to enter such an order, a motion must be made so that all interested parties get their due process right to have notice and opportunity to object. In this case, neither party has made a motion requesting a stay, or abeyance, of my appeal pending the decision on my motion.

Accordingly, my appeal should be immediately released so that it can be perfected without any more unnecessary and unlawful delays. Respondent should be given no more than 5 days to file and serve their reply brief since it was due on January 28, just five (5) days after your January 23rd letter was filed and served on them.

/s Ryan Powell
Ryan Powell, Appellant
c/o 25056 Timberlake Drive
Fort Mill, South Carolina

cc: Sarah P. Spruill, attorney for Respondent served by mail.