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STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM YORK COUNTY
Court of Common Pleas

S. Jackson Kimball, Special Circuit Judge

Case No. 2009-CP-46-01941

RECEIVED
JUN 21 2013
SC Court of Appeals

Jackie Hartley, Respondent,

v.

A.P. Karras, LLC d/b/a Eat Well Family Restaurant,
Andrew P. Karagounis,
Lucas Giannatos and Stacey Giannatos,

of whom

Lucas Giannatos and Stacey Giannatos are Appellants.

MOTION TO BE RELIEVED and
FOR EXTENSION OF TIME

Pursuant to Rules 240 and 263(b), S.C.A.C.R., counsel for the Appellants moves this Court for an order relieving him as counsel and granting the Appellants' an extension of time in which to secure substitute counsel and to file their Initial Brief and Designation of Matter to be included in the Record on Appeal, on the grounds stated below:


1. By Motion mailed May 14, 2013, and amended this date, counsel for Appellants moved for an extension of time in which to file their Initial Brief and Designation of Matter to be included in the Record on Appeal.
2. The Appellants have closed their local business. Before and after the time set for the filing of the said Record on Appeal, counsel has made several attempts to contact the Appellants to confirm their desire to continue with the appeal. To date, those attempts have been fruitless: counsel has not been contacted by the Appellants.
3. Counsel has made another attempt, by certified mail, requesting that the Appellants instruct him as to their wishes. A copy of his letter, and of the signed Return Receipt showing service, are attached hereto and incorporated herein. No response from the Appellants has been received, either by mail, telephone, fax, e-mail or otherwise.
4. On knowledge and information, counsel cannot continue his representation of the Appellants in this matter in the absence of their contact and cooperation.
5. Counsel understands he is required to request an additional period in which the Appellants are granted an opportunity to secure other counsel, and to compete this appeal. By this

Motion, he make such request.

The basis of this Motion is the within-cited Rules, the records of this appeal, and any attached affidavit or stipulation of the undersigned, which items are hereby incorporated in this Motion.

WHEREFORE, the Appellants herein move this Court for an Order relieving him as counsel and granting the Appellants an extension of time in which to secure substitute counsel and to file their Initial Brief and Designation of Matter to be included in the Record on Appeal, pursuant to Rule 240 and 263(b), S.C.A.C.R.

June 18, 2013



John Martin Foster
Post Office Box 106
Rock Hill, S.C. 29731-6106
(803) 324-8100
Attorney for Appellants

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JOHN MARTIN FOSTER

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SC Court of Appeals

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 MRS AMY ASIA BARNARDOS
 1416 SHEEPSTONE COURT
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JOHN MARTIN FOSTER

Attorney at law

The Guardian Building	PO Box 106	803 324 8100
223 East Main Street Suite 520	Rock Hill SC	803 324 8109 Fax
Rock Hill South Carolina 29730	29731-6106	jmfooster@comporium.net

May 14, 2013

Mr. Louka Giannatos
Mrs. Anastasia Giannatos
1416 Sagestone Court
Charlotte, N.C. 28262
To Be Sent by Certified Mail:

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JUN 21 2013

SC Court of Appeals

Re: Hartley v. Giannatos
C.A. No. 2009-CP-46-1941

Dear Mr. and Mrs. Giannatos:

As you may remember, we have done the Brief on the appeal above. We are now required to prepare and serve the Record on Appeal and the final, printed Brief.

I have left repeated telephone messages at 704-503-1983 on this matter, without response. This is the only phone number which I can find. I must have your instructions as to whether you wish to proceed, and we must make arrangements for future billing.

I am enclosing the Motion I have filed on this matter with the Court of Appeals. If I do not hear from you as quickly as possible, I must move to withdraw as your lawyer.

I hope this letter finds you well.

Yours,



John Martin Foster

cc: File

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Andrew P. Karagounis,
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Lucas Giannatos and Stacey Giannatos are Appellants.

PROOF OF SERVICE

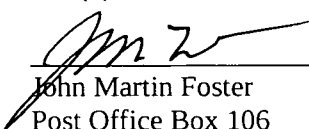
I certify that I have served the **Motion to Be Relieved as Counsel and for Extension of Time**, dated June 18, 2013, on the following counsel or persons of record:

W. Chaplin Spencer, Jr.
Jeremy D. Melville
Spencer & Spencer, PA
Post Office Box 790
Rock Hill, SC 29731-6790

by depositing the same with the United States mail, with sufficient first class postage attached, properly addressed to the clerk of the Court, and with a copy also directed to the respective last known address(es) of those attorney(s) and/or persons set out below; or

by hand delivering copies of the same to the following persons, or by leaving the same at that person's office with that person's clerk or some other person in charge thereof, or by leaving it in a conspicuous place therein; or if the office was closed or the person to be served has no office, by leaving a copy at that person's dwelling place or usual place of abode with some person of suitable age and discretion then residing therein, all pursuant to Rule 262(b), S.C.A.C.R.

June 18, 2013



John Martin Foster
Post Office Box 106
Rock Hill, S. C. 29731-6106
(803)324-8100
Attorney for Appellants

JOHN MARTIN FOSTER

Attorney at law

The Guardian Building	PO Box 106	803 324 8100
223 East Main Street Suite 520	Rock Hill SC	803 324 8109 Fax
Rock Hill South Carolina 29730	29731-6106	jmfooster@comporium.net

June 18, 2013

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

Re: Jackie Hartley, Respondent,
v. A.P. Karras, LLC d/b/a Eat Well Family Restaurant,
Andrew P. Karagounis,
Lucas Giannatos and Stacey Giannatos,
of whom Lucas Giannatos and Stacey Giannatos are Appellants.

Case No. 2009-CP-46-01941

Dear Ms. Kitchings:


In accordance with Rule 240(a), S.C.A.C.R., enclosed herewith please find the original and seven (7) copies of the Appellants' Amended Motion for Extension of Time, together with Certificate of Service for the same in the above referenced case.

In addition, in accordance with Rule 240(a), S.C.A.C.R., enclosed herewith please find the original and seven (7) copies of the Appellants' Motion to Be Relieved and for Extension of Time, together with Certificate of Service for the same in the above referenced case. I also enclose our check for the Motion fee of \$25.00.

By copy of this letter, I am serving the attorney for the Respondents with copies of the said Motions, as evidenced by the Certificates of Service.

Please return the extra conformed copies to my office in the enclosed self-addressed, stamped envelope. As always, thank you, and your staff, for your assistance in these matters.

Sincerely yours,


John Martin Foster

JMF/jh
enclosures

cc: W. Chaplin Spencer, Jr.
Jeremy D. Melville
Spencer & Spencer, PA
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Rock Hill, SC 29731-6790

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