

The South Carolina Court of Appeals

Nicholas F. Wilson, Appellant,

v.

Janet P. Gochenour; Janet P. Gochenour Trustee; James B. Parker; James B. Parker, Sr.; Mary Ann Parker; Kenneth Gregory Moore; R&G Corp. d/b/a Century 21 The Harrelson Group; Patton Development SC, LLC; Flagstar Bank, N.A.; Sonia M. Raymond; Raymond Law Firm, P.A.; Respondents.

Appellate Case No. 2024-000440

ORDER

On March 18, 2024, Appellant served his notice of appeal on Respondents Raymond Law Firm, P.A. and Sonia Raymond (collectively, Raymond Respondents). According to the filings, Appellant seeks review of an order filed on September 18, 2023, dismissing his case based on the statute of limitations; an order filed on February 7, 2024, denying Appellant's motion to alter or amend; and an order filed on March 12, 2024, denying Appellant's motion to amend his complaint. Raymond Respondents filed a motion to dismiss the appeal as untimely served, arguing Appellant did not serve his notice of appeal within thirty days of receipt of the February 7, 2024 order. Appellant filed a return opposing dismissal and arguing he served his notice of appeal within thirty days of receipt of the March 12, 2024 order, which he contended is immediately appealable as an order involving the merits. Raymond Respondents filed a reply, asserting the March 12, 2024, order is not immediately appealable. After careful consideration of the filings, we deny Raymond Respondents' motion to dismiss without prejudice to the parties presenting these arguments in their briefs.

William J. Luse, counsel for Janet P. Gochenour and Janet P. Gochenour Trustee (collectively, Gochenour Respondents), filed a motion to be relieved, explaining Gochenour Respondents did not retain his services for this appeal. Counsel served

the motion on Gochenour Respondents, who did not file a return. The motion is granted, and we hold this appeal in abeyance for thirty days to allow Gochenour Respondents to obtain new counsel. Unless Respondent Janet P. Gochenour obtains new counsel within thirty days of the date of this order, this court will presume Respondent Janet P. Gochenour is self-represented for purposes of this appeal. However, Respondent Janet P. Gochenour Trustee must retain counsel. *See* S.C. Code Ann. § 40-5-310 (2011) ("No person may either practice law or solicit the legal cause of another person or entity in this State unless he is enrolled as a member of the South Carolina Bar pursuant to applicable court rules, or otherwise authorized to perform prescribed legal activities by action of the Supreme Court of South Carolina.").¹ Counsel for Janet P. Gochenour Trustee must inform this court of representation within thirty days of the date of this order.



FOR THE COURT

Columbia, South Carolina

FILED
Sep 03 2024

cc:

William James Luse, Esquire
Claude Townsend Prevost, III, Esquire
Joseph Lucas Richardson, Esquire
Alexander Hray, Jr., Esquire
Matthew Douglas Patterson, Esquire
Blake Terence Williams, Esquire
Rhett Douglas Ricard, Esquire
Robert Bruce Wallace, Esquire
Wesley D. Few, Esquire
James B. Parker
James B. Parker, Sr.
Mary Ann Parker

¹ Although it is unpublished and of no precedential value, we find *Real Estate Unlimited, LLC v. Rainbow Living Trust*, in which we held a non-attorney trustee of a valid trust may not represent the trust in the court of common pleas because the action would not be the trustee's own cause but rather that of the trust and its beneficiaries, instructive. *See* 2004-UP-019 (S.C. Ct. App. filed Jan. 15, 2004).