

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals  
Appellate Case No. 2012-212341

6/16/25

APPEAL FROM RICHLAND COUNTY  
The Honorable Joseph M. Strickland, Master-In-Equity

SEP 22 2013

Karl A. Daskocil and John M. Daskocil, of whom Karl  
A. Daskocil is Plaintiff-Appellant, ..... Appellant.

v.

Patricia Gail D. Culp, Trustee of Karl V. Daskocil Trust  
U/A/D December 14, 1995, ..... Respondent.

**MOTION FOR EXTENSION OF TIME TO SERVE PROPOSED RECORD ON APPEAL**

The Appellant, Karl Daskocil, respectfully moves this Court for an extension of time to serve the proposed Record on Appeal in the above-entitled case. As grounds for this motion, Appellant shows the following:

1. Denial of Appellant's Motion to compel production of documents and information relevant to this appeal was received on August 18, 2013. Current Record service date is August 29, 2013.

2. Computer failure, first suspected on August 22nd, since confirmed, has rendered my electronic files inaccessible. Hard drive failure (damaged/failing) resulting in intermittent inability to boot the computer (error: hard drive not found), very slow response when able to restart, missing files and/or documents displaying "white icons" (indicating corrupted or stripped-off file extensions) are among primary symptoms presented. Service providers I consulted warned against further reboot efforts, to avoid additional/complete data loss. Consensus estimate is 2 - 3 weeks to attempt data recovery (if can be accomplished locally), receipt of new system disks, plus one week for other diagnostics and repairs/replacement, reformat, recovered data restoration, and software reloads (three to four weeks total).

3. Accordingly, this request for an extension of 37 days to serve the Record on Appeal is conservative given the element of uncertainty in the data recovery process.

4. When I realized the impact of the data issues, I contacted the Richland County Clerk of Court (Records) as a contingency plan and to understand the process required to supplement recoverable data by obtaining records they have on file, and will initiate the necessary process concurrently. (Contacts with Chiquota McCloud-Scott, Deputy Clerk of Records, who had previously sent a different document upon my request.)

5. The primary paper case files, excepting several documents submitted to the lower Court just prior to initiation of this appeal (and subsequent notes and briefs), remain in possession of my former Counsel, in Columbia. (I currently reside in Florida.) It is my understanding that attorney was out of the office beginning earlier this month, and I have not been able to reach him in attempts as recently as yesterday. Previous requests for case documents are not yet resolved. While my electronic files contained the necessary records, most already compiled as a group, they are inaccessible until my system is returned. I have located available paper copies of (some) designated matter in my possession.

6. I have been proactive in attempt to gather Respondent designations to assemble the Record. I called Respondent's Counsel, to inquire about three documents he had designated, but which I could not identify:

a. Respondent has since indicated one of these (indicated as a transcript) was likely listed by mistake, a "typo". It does not appear in the Clerk's case record.

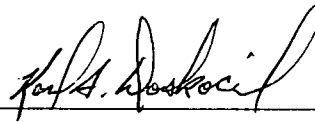
b. Second document: Mr. Rikard indicated he did not have it electronically; but that he would try to locate in his paper file and send it. It does not appear in the case record as specified.

c. Third item describes one, perhaps two, communications which are also not in the Clerk's case history file. I reminded Mr. Rikard that, as previously mentioned in my Reply Brief, I never received or saw the referenced item. He indicated he would locate and send, but nothing followed.

7. I have some, but not all, designated matter which I had already printed and collected for initial preparation of the Record. Source for completion is via successful data recovery (especially notes, briefs, & other communication records) and the Clerk of Court.

For the above reasons, Appellant respectfully requests that this Court enter an Order extending the time to serve the Record on Appeal to October 5, 2013.

Respectfully submitted this the 29<sup>th</sup> day of August, 2013.



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(813) 326-4258  
Appellant, Pro se

I have served a copy of this Motion upon Robert G. Rikard, Attorney for Respondent, via U.S mail at the address indicated below.

Cc: Robert G. Rikard  
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(803) 978-6111  
Attorney for Respondent

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SEP 12 2013

Karl A. Duskocil and John M. Duskocil, of whom Karl  
A. Duskocil is Plaintiff-Appellant, ..... Appellant.


v.

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**PROOF OF SERVICE**

I certify that I have served the Appellant's Motion for Extension of Time to Serve Proposed Record on Appeal on Patricia D. Culp by depositing a copy of it in the United States mail, postage prepaid, addressed to her attorney of record: Robert G. Rikard, 1329 Blanding Street, Columbia, South Carolina 29201.

August 29, 2013



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