

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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Nov 25 2024

SC Court of Appeals

APPEAL FROM YORK COUNTY  
Court of Common Pleas

The Honorable Daniel D. Hall, Circuit Court Judge

Appellate Case No. 2024-000271

STEPHANIE KOZAK,  
(Personal Representative of the Estate of John Witkowski),

Appellant,

vs.

CHRIS CUTWAY,

Respondent.

MOTION FOR EXTENSION OF TIME

Pursuant to Rules 263(b) and 240, S.C.A.C.R., the Appellant, by her counsel undersigned, moves this Court for an order granting an extension of time for the filing of the Motion to recall the Remittitur and to file the Record on Appeal.

1. Through inadvertence, counsel for the Appellant failed to timely file the Record on Appeal. By Order issued and served November 19, 2024, a Remittitur of the Appeal issued.
2. Since November 11, 2024, counsel has been in the hospital due to infection and treatment of a wound. Counsel has made attempts to prepare and file the Record on Appeal. He has been prevented by his absence from his office and the need to communicate instructions by phone.
3. As of Friday, November 22, 2024, all elements of the Record on Appeal had been assembled except one: the Transcript of the argument on the last Motion below. As of the date of this Motion, that Transcript could not be located by counsel's secretary nor a copy obtained through the court reporter.
4. Without proper access to his office and research materials, counsel for

Appellants is not capable of providing the required filings within the time presently set.

5. It is the expectation of Counsel for the Appellant that he will be physically able to supply the said filings if allowed an additional period.

The basis of this Motion is the within-cited Rules, and the records of this appeal, which items are hereby incorporated in this Motion.

WHEREFORE, the Appellant herein moves this Court move this Court for an order granting an extension of time, on the grounds stated herein.

November 24, 2024

/s/ John Martin Foster  
SC Bar No. 2086  
Post Office Box 106  
Rock Hill, S.C. 29731-6106  
803 324-8100  
Attorney for Appellant

Other Counsel of Record:

Chan M. Ahn  
Attorney for Respondent  
4381 Charlotte Highway, Suite 103  
Lake Wylie, South Carolina 29710  
chan@ahnlawfirmllc.com

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CERTIFICATE OF SERVICE

The undersigned, counsel for Appellant in the civil appeal above, hereby certifies that, on the date written below, he served copies of the following pleadings or documents in the above-captioned and numbered civil action:

Motion for Extension; and this Certificate of Service,

by service to the opposing lawyer's primary e-mail address listed in the Attorney Information System (AIS), as authorized by Section (b)(2) of the Order of the Supreme Court dealing with Electronic Filing and Service issued May 6, 2022.

Chan M. Ahn  
Attorney for Respondent  
4381 Charlotte Highway, Suite 103  
Lake Wylie, South Carolina 29710  
chan@ahnlawfirmllc.com

November 24, 2024

/s/ John Martin Foster  
SC Bar No. 2086  
Post Office Box 106  
Rock Hill, S.C. 29731-6106  
803 324-8100  
[jmfoster340@gmail.com](mailto:jmfoster340@gmail.com)  
Attorney for Appellant