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Dec 02 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

Dale E. Van Slambrook, S.C. Circuit Court Judge #2781

Appellate Case No. 2024-001734

Olga Teslenko, Appellant,
v.
Joe Kocsis, Carpet King & Flooring, Respondents.

**MOTION FOR CONTINUANCE AND MOTION FOR 2ND EXTENSION OF TIME
FOR APPELLANT TO SERVE AND FILE
INITIAL BRIEF AND DESIGNATION OF MATTER**

Pursuant to Rule 40(i)(1), SCRPC, appellant Olga Teslenko (“Appellant”) respectfully moves this Court for an order continuing the above action pending this motion for continuance and pending Appellant’s motion for the release and transfer of the original exhibits. Furthermore, pursuant to Rule 263(b), SCACR, Appellant respectfully moves this Court for an order to extend the time in which to serve and file Appellant’s Initial Brief and Designation of Matter, by adding an extension of time to the date when Appellant’s original exhibits become available in this Court. This is the second request for an extension filed by Appellant. Appellant requests an extension of thirty days to be added to the date when Appellant’s original exhibits become available in this Court, to serve and file the initial brief and designation of matter.

The grounds for these motions are the following:

MOTION FOR CONTINUANCE

While working to build a meaningful brief, Appellant realized the need to designate Appellant's original exhibits admitted at trial in the lower court, and, on **November 12th**, filed a motion to request the release and transfer of the original exhibits. On November 21st, Appellant was notified of a deficiency with that motion, and even though Appellant corrected it that same day, Appellant failed, through mistake, to serve that correction on Respondent, which is why, on November 25th, Appellant was notified of this second deficiency. Appellant corrected it the following day, but the holiday schedule will force that second correction to be filed only on December 2nd at best. After which, given Appellant's woeful ignorance in jurisprudence, another deficiency is likely to be discovered. Out of that ignorance, Appellant hadn't thought to file a motion for continuance along with Appellant's motion for the release and transfer of the original exhibits, on November 12th. Appellant truly didn't know Appellant needed to request a stay of the proceedings pending that motion. Such that now, even if no other deficiencies are discovered, by the time that motion for the original exhibits is adjudged, Appellant will have no time to prepare a meaningful brief and designation of matter, because the above case requires that this Court review Appellant's original exhibits. Since they are still unavailable, but the due date for serving and filing Appellant's initial brief and designation of matter is currently set for December 12, Appellant can't prepare a meaningful brief by this due date. For these reasons, Appellant respectfully moves this Court for an order continuing this action pending this motion for continuance and pending Appellant's motion for the release and transfer of the original exhibits. This continuance will not prejudice the rights of the Respondents, but will serve to advance the aims of justice by allowing Appellant statutory time to formulate the merits of the above case, in compliance with the South Carolina Code of Laws, sections: **§ 18-7-170**: "Upon hearing the

appeal, the appellate court shall give judgment according to the justice of the case, without regard to technical errors and defects which do not affect the merits"; § 18-7-130: "The appeal shall be heard by the court upon all the papers in the case [...]"; § 18-1-100: "When a party shall give, in good faith, notice...and shall omit, through mistake, to do any other act necessary to perfect the appeal or *to stay proceedings* the court may permit an amendment on such terms as may be just", and SCRCR, **Rule 40(i)(1)**: "As actions are called, counsel may request that the action be continued. If good and sufficient cause for continuance is shown, the continuance may be granted by the court".

**MOTION FOR 2ND EXTENSION OF TIME FOR APPELLANT TO SERVE AND FILE
INITIAL BRIEF AND DESIGNATION OF MATTER**

Even if Appellant's motion for the release and transfer of the original exhibits were today processed and fulfilled, Appellant would still face insufficient time to formulate a meaningful brief and designation of matter before the current deadline of December 12th. With that Appellant's motion not having been processed yet, this deadline is especially inadequate, since Appellant's original exhibits must be included in the record on appeal to be reviewed in order to ascertain the merits of the above case. As such, Appellant's brief depends on the availability of those original exhibits in this Court. If Appellant is to be given an opportunity to formulate the merits of the above case in a meaningful and precise brief, and to ensure a complete and relevant record, Appellant needs an extension of time to be added to the date when Appellant's motion for the original exhibits is fulfilled and Appellant's original exhibits are filed in this Court. For these reasons, Appellant requests a 30-day extension to be added to the date when Appellant's original exhibits are transferred from the lower court and filed in this Court, to constitute the new

due date for Appellant’s initial briefing and designation of matter. This extension will not prejudice the rights of the Respondents, but will serve to advance the aims of justice by enabling Appellant to formulate the merits of the above case, in compliance with the South Carolina Code of Laws, sections: § 18-7-170 and § 18-7-130, cited above.

This motion is in compliance with Rule 240, SCACR.

Dated: December 2, 2024

s/ Olga Teslenko
Olga Teslenko
100 Fountain Pointe Ln, Unit 103,
Myrtle Beach, South Carolina 29579
Telephone: (510) 388-2780
Email: osenochen@gmail.com
Appellant

Enclosed:

1. Proof of Service on Respondent;
2. Certificate of Filing Fee payment

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PROOF OF SERVICE OF THE MOTION FOR CONTINUANCE AND
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PROOF OF SERVICE OF THE MOTION FOR CONTINUANCE AND
MOTION FOR EXTENSION OF TIME

I certify that I have served the Motion for Continuance and Motion for Extension of Time, which I filed on December 2, 2024, on respondent Joe Kocsis, who represented himself as the owner of Carpet King & Flooring, by depositing a copy of it in the United States Mail, postage prepaid, on December 2, 2024, addressed to his store address, Joe Kocsis, Carpet King & Flooring, 532 Broadway Street, Myrtle Beach, SC 29577.

Dated: December 2, 2024

s/ Olga Teslenko

Olga Teslenko
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Appellant