

**RECEIVED**

**Dec 23 2024**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

---

APPEAL FROM CHESTER COUNTY  
In the Circuit Court

B. Alex Hyman, Circuit Court Judge

---

Appellate Case No. 2023-001089

---

ROBERT F. GOOREY,

Appellant,

v.

DEBORAH A. GOOREY and  
SHAWN GOOREY,

of whom SHAWN GOOREY is the

Respondent.

---

MOTION TO RESTORE APPEAL, TO RECALL REMITTITUR,  
FOR EXTENSION OF TIME or TO FILE OUTSIDE TIME

---

Pursuant to Rules 240 and 263(b), S.C.A.C.R., the Appellant, by his counsel herein, moves this Court for an order to restore the appeal above, to recall the remittatur and to allow the late filing of the Final Brief of the Appellant, or to file outside time, on the grounds stated below:

1. Through inadvertence, counsel for the Appellant failed to timely file the final Brief of Appellant. By Orders issued and served in December, Remittitur of the Appeal issued and the appeal was dismissed.
2. Since November 11, 2024, counsel has been in the hospital and rehabilitation due to infection and treatment of a foot wound. Counsel made attempts to prepare and file the Final Brief. He has been prevented by his absence for his office and the need to communicate instructions by phone.
3. Despite counsel's efforts to meet that deadline, he has been prevented by his hospitalization, and by the continued deadlines during his treatment from meeting the Brief deadline. He also pleads, generally, the press of business as a reason for delay.

4. To this end, counsel for Appellant requests the appeal be reinstated, that the remittitur be recalled, and that the Final Brief of the Appellant be filed.

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 Appellant herein moves this Court to restore this appeal, to recall the remittitur and to allow the filing of the Appellant's Final Brief, as set out above, pursuant to Rule 240 and 263(b), S.C.A.C.R.

/s/ John Martin Foster  
Post Office Box 106  
Rock Hill, S. C. 29731  
803 324-8100  
Attorney for Appellant  
[jmfoster340@gmail.com](mailto:jmfoster340@gmail.com)

December 21, 2024

Rock Hill, South Carolina

Other Counsel of Record:

Joe Terrious K. Neal  
Attorneys for Respondent Shawn Goorey  
P.O. Box 707  
Morton & Gettys, LLC  
Rock Hill, SC 29731  
[joe.neal@mortongettys.com](mailto:joe.neal@mortongettys.com)

**RECEIVED**

**Dec 23 2024**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
In The Court of Appeals

---

APPEAL FROM FAIRFIELD COUNTY  
In The Circuit Court

Brian M. Gibbons, Circuit Court Judge

---

Appellate Case No. 2022-000987

---

Saint Luke Baptist Church,

Respondent,

v.

Rayshawn Terry,

Appellant.

---

PROOF OF SERVICE

---

I certify that I have served the Motion for Extension of Time or to File Outside Time, dated December 21, 2024, on the following counsel or persons of record:

Kenneth A. Davis  
kdavis@boykinlawsc.com  
Charles J. Boykin  
[cjboykin@boykinlawsc.com](mailto:cjboykin@boykinlawsc.com)  
Imani Nicole Newborn  
innewborn@gmail.com

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, or

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 above, pursuant to Rule 262, S.C.A.C.R.

/s/ John Martin Foster  
Post Office Box 106  
Rock Hill, S. C. 29731  
803 324-8100  
Attorney for Appellant

December 21, 2024

Rock Hill, South Carolina

\*\*\*