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Jul 29 2025

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM PICKENS COUNTY
Court of Common Pleas

Jessica A. Salvini, Circuit Court Judge

Case No. 2021-CP-39-00329
Court of Appeals Case No. 2025-001327

Michael and Mary Smith

Appellants,

v.

King Asphalt, Inc.

Respondent.

**APPELLANTS' MOTION TO ENLARGE TIME
TO FILE DESIGNATION OF MATTER**

Michael Smith
Mary Smith
Appellants, pro se
220 Stancil Street
Easley, SC 29640
MichaelDSmith@housemail.com

Opposing Counsel of Record:
Catharine Garbee Griffin Esq.
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**APPELLANTS' MOTION TO ENLARGE TIME
TO FILE DESIGNATION OF MATTER**

The Appellants, Michael and Mary Smith, appearing pro se, respectfully move this Honorable Court, pursuant to Rule 221, SCACR, for an Order enlarging the time to file their Designation of Matter in this appeal.

In support of this Motion, Appellants state as follows:

1. Appellants filed their Notice of Appeal in the Circuit Court for Pickens County on June 23, 2025 and subsequently July 1, 2025 in the Court of Appeals.
2. Pursuant to Rule 210(a), SCACR, the Appellant is required to file a written Designation of Matter with the Clerk of the Lower Court and serve on the Respondent a copy of the same within ten (10) days after the filing of the notice of appeal.
3. The ten-day period for filing Appellants' Designation of Matter has elapsed.
4. Appellants acknowledge this procedural oversight. This oversight occurred due to Appellants' pro se status and unfamiliarity with the complex appellate procedures following the cessation of representation by prior counsel, who had handled the matter on a contingency fee basis in the Circuit Court. The transition to pro se representation has required Appellants to learn and manage numerous procedural requirements, which unfortunately led to this deadline being missed.
5. Appellants have now diligently prepared their Designation of Matter, which lists all necessary documents from the Circuit Court file, including all relevant pleadings, motions, orders, judgments, and the five hearing transcripts that have been ordered and filed in the Circuit Court record.

6. Granting this enlargement of time will not unduly prejudice the Respondent, as the appeal is still in its early stages of appellate record preparation, and the requested extension is for a necessary procedural step.
7. Appellants are prepared to immediately file their Designation of Matter with the Clerk of the Lower Court and serve it on the Respondent upon the granting of this Motion.

WHEREFORE, Appellants respectfully request that this Honorable Court grant their Motion to Enlarge Time to File Designation of Matter, allowing Appellants to file their Designation of Matter within five (5) days of this Court's Order.

Respectfully submitted,

This 29th day of July, 2025.

/s/ Michael Smith
Michael Smith, Appellant (pro se)

/s/ Mary Smith
Mary Smith, Appellant (pro se)

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CERTIFICATE OF SERVICE

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the **APPELLANTS' MOTION TO ENLARGE TIME TO FILE DESIGNATION OF MATTER** in **Smith v. King Asphalt, Inc.**, Case No. 2021-CP-39-00329 **Court of Appeals Case No. 2025-001327** was served upon the following counsel of record:

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Date of Mailing: July 30, 2025

Respectfully submitted,

/s/ Michael Smith July 30, 2025
Michael Smith Date
Appellant, pro se
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