

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Hon. Jessica A. Salvini, Circuit Court Judge

Case No. 2023-CP-10-00305
Appellate Case No. 2024-002176

John R. Nick, Respondent,

v.

Emily Prioleau, Appellant.

EMERGENCY MOTION TO EXTEND TIME TO FILE REPLY BRIEF
(Pursuant to Rule 263(b), SCACR)

Appellant respectfully moves for an extension of ten (10) days pursuant to Rule 263(b), SCACR, to file her Reply Brief. In support of this motion, Appellant states the following:

1. Delayed Receipt of Respondent's Initial Brief

Respondent filed his Initial Brief with the Court of Appeals on August 26, 2025, and included a certificate of service indicating that the document was mailed to Appellant on the same day.

However, Appellant did not receive her copy until Tuesday, September 2, 2025, which was the day after the Labor Day federal holiday.

The copy Appellant received by mail did not contain a certificate of service, and the envelope bore no visible postmark to confirm the date of mailing. Instead, the envelope had a standard postage barcode strip without a mailing date. Appellant is informed and believes this strip is

consistent with bulk mail processing, which does not provide individualized postmarking. SCACR Rule 262(a) requires service by first-class mail unless otherwise permitted.

2. Mail Delivery Time Further Shortens Response Window

Appellant's mail is typically delivered after 4:00 p.m., significantly reducing the available time to review the brief and prepare a legally sufficient Reply. As a result, Appellant effectively had only three (3) days—from the evening of September 2 to the deadline of September 5—to complete her Reply Brief.

3. USPS Informed Delivery Shows No Record of Brief

Appellant is subscribed to United States Postal Service Informed Delivery and can confirm that Respondent's Initial Brief did not appear in her Informed Delivery dashboard at any time between August 26 and September 2, indicating that the document was not in transit or scheduled for delivery during that timeframe.

By contrast, Respondent's Designation of Matter was scanned and delivered on August 27, suggesting a mailing on or before August 26. The Initial Brief was not similarly tracked.

4. No Consent for Email Service

Respondent's counsel does not have Appellant's consent to serve documents by email, and no such permission has been given. Under SCACR Rule 262(b), email service is only authorized when express consent is provided, and Appellant has not waived her right to physical service.

5. Prejudice to Self-Represented Appellant Without Extension

Under SCACR Rule 208(d)(3), Appellant's Reply Brief is due within ten (10) days of service of the Respondent's Brief. Due to the delayed receipt and short notice, Appellant has had an inadequate opportunity to draft and file a complete and accurate response.

Appellant is self-represented and has made every effort to comply with procedural deadlines in good faith. This brief extension will not prejudice Respondent and will allow the Court to receive a full and properly supported Reply.

Relief Requested

WHEREFORE, Appellant respectfully requests that the Court grant a ten (10) day extension, changing the current due date from September 5, 2025, to September 15, 2025, for the filing of Appellant's Reply Brief.

Date: September 3, 2025

Respectfully submitted,

/s/ Emily Prioleau_____

Emily Prioleau

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RECEIVED

Sep 03 2025

SC Court of Appeals

CERTIFICATE OF SERVICE

I hereby certify that I have served a true and correct copy of the foregoing Emergency Motion to Extend Time to File Reply Brief by placing it in the U.S. Mail, proper postage affixed, addressed as follows:

William B. Jung, Esq.
1156 Bowman Road, Suite 200
Mount Pleasant, SC 29464
Counsel for Respondent

This the 3rd day of September, 2025.

/s/Emily Prioleau
Emily Prioleau