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Oct 22 2025

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHEROKEE COUNTY
Court of Common Pleas
Scott F. Talley, Special Referee

Appellate Case No. 2025-001073
Civil Action No. 2022-CP-11-00021

Angelica Shelest, Respondent,
v.
Martin Maina Gitau and Mark One Freight & Logistics,
LLC..... Appellants.

CONSENT MOTION TO STAY AND BRIEFING DEADLINE

Appellants Martin Maina Gitau and Mark One Freight & Logistics, LLC respectfully move this Court for a stay the above-captioned appeal in this Court, pending limited remand to the Circuit Court for the purpose of challenging the Special Referee’s appointment in this matter (“motion”).¹

This case was properly docketed with this Court. On July 23, 2025, Appellants filed a motion with the Supreme Court seeking to certify and transfer the case. On October 7, 2025, Appellants filed a consent motion to stay this case pending the Supreme Court’s consideration of Appellants’ motion. On October 15 and October 21, Appellants spoke with the clerk’s office at the Court of Appeals to inquire about the status of a pending consent motion to stay briefing deadlines in this Court pending the transfer motion outcome, and were informed a decision was pending and no immediate briefing was required. On October 21, the Supreme Court denied

¹ Simultaneous with this motion, Appellants are filing a motion for limited remand with this Court for the specific purpose of challenging the Special Referee’s appointment.

Appellants' motion to transfer. Thus, Appellants will be moving forward with their appeal in this Court.

Appellants now seek to stay immediate briefing pending the request for a limited remand to file a new Rule 60 motion to the Circuit Court to address the Special Referee's appointment. Counsel for Respondent does not consent to the request for limited remand, but does consent to a stay of briefing deadlines pending a decision on the request for limited remand. Because the limited remand may resolve potential or add to briefing issues, a stay of briefing in this Court would best serve the interests of judicial efficiency and economy. Therefore, Appellants' consent motion to stay should be granted. Should this Court deny the request for limited remand, Appellants request 10 days from the denial of the limited remand motion to file their initial brief. Respondent's counsel also consents to this 10 day request.

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PROOF OF SERVICE

I, the undersigned, of the law offices of Nelson Mullins Riley & Scarborough LLP, attorneys for Appellants Martin Maina Gitau and Mark One Freight & Logistics, LLC , certify that I have served all counsel in this action with a copy of the document(s) specified below by electronic mail to each attorney listed using their primary email address listed in the Attorney Information System.

Pleading(s): Consent Motion to Stay and Briefing Deadline

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October 22, 2025