

**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 FOR EXTENSION OF TIME TO SERVE AND
FILE INITIAL BRIEF AND DESIGNATION OF MATTER**

Appellants Michael and Mary Smith move this Court pursuant to Rule 240, SCACR, for an extension of time of sixty days, through and including September 7, 2026, to serve and file their initial brief and designation of matter, currently due July 8, 2026. The grounds are as follows.

On June 28, 2026, Appellants filed a Petition to Invoke the Original Jurisdiction of the Supreme Court of South Carolina and an Emergency Motion for Immediate Stay of Briefing Deadline, seeking review of this Court's Orders of June 8, 2026 and June 23, 2026 and a stay of the July 8, 2026 deadline pending that review. By Order dated July 2, 2026, in Appellate Case No. 2026-001437, the Supreme Court declined to entertain the petition and motion. A copy of that Order is attached as Exhibit A.

From June 8, 2026 through July 2, 2026, Appellants diligently pursued the only avenues of relief available to them: a timely motion for reconsideration filed June 15, 2026, and, upon this Court's June 23, 2026 response declining to act on it, the petition to the Supreme Court. Appellants did not sit on the deadline. They spent the entire briefing period seeking relief from the orders that made compliance with it impossible. The Supreme Court's disposition issued July 2, 2026, six days before the deadline. No litigant, represented or otherwise, can prepare an initial appellate brief and designation of matter in six days, and these Appellants face the additional circumstances already documented in the record of this appeal: functional illiteracy, documented health and cognitive limitations, a record in which approximately 300 of 830 exhibit pages are illegible as acknowledged in writing by the Deputy Clerk, and digital evidence filed and served below that is absent from the appellate record.

The request is not for delay but to permit Appellants to prepare a brief in light of the Supreme Court's July 2 disposition. Respondent will suffer no prejudice: the underlying litigation has been pending since 2021, no merits briefing has occurred by either side, and a sixty-day extension preserves the status quo. By contrast, denial of this motion will result in dismissal of the appeal on July 8, 2026 without any merits review, a consequence wholly disproportionate to a first extension request made in these circumstances.

Appellants file this motion and will file any brief under full reservation of, and without waiver of, all objections previously raised regarding the defective appellate record, the missing digital evidence, and the denial of appointment of counsel, all of which are preserved for further review.

Appellants therefore request that this Court extend the time for serving and filing Appellants' initial brief and designation of matter through and including September 7, 2026, and grant such other relief as justice requires.

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RULE 240(b) CERTIFICATE OF CONSULTATION

Pursuant to Rule 240(b), SCACR, the undersigned certifies that on July 2, 2026, Petitioner Michael Smith contacted Catharine Garbee Griffin, Esq., counsel of record for Respondent King Asphalt, Inc., at CGriffin@brblegal.com, to advise her of Appellants' intent to file this Motion and to ascertain Respondent's position. As of the time of filing, Appellants have received no response.

Respectfully submitted,

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

Dated: July 3, 2026

Exhibit A

The Supreme Court of South Carolina

Michael Smith and Mary Smith, Petitioners,

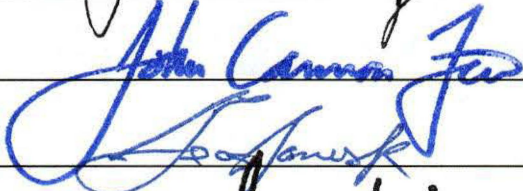
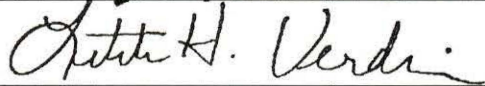
v.

King Asphalt, Inc., Respondent,

Appellate Case No. 2026-001437

ORDER

Petitioners have filed a petition for original jurisdiction and motion to stay the filing deadlines in appellate case number 2025-001327, currently pending before the court of appeals. Pursuant to Rule 245, SCACR, and *Key v. Currie*, 305 S.C. 115, 406 S.E.2d 356 (1991), we decline to entertain the petition and motion.

	C.J.
	J.
	J.
D. Hanlin	J.
	J.

Columbia, South Carolina
July 2, 2026

cc:

Catharine Garbee Griffin

Michael Smith

Mary Smith

The Honorable Jenny Abbott Kitchings

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CERTIFICATE OF SERVICE

I hereby certify that on July 3, 2026, I served a true and correct copy of the foregoing **APPELLANTS' MOTION FOR EXTENSION OF TIME TO SERVE AND FILE INITIAL BRIEF AND DESIGNATION OF MATTER** via email upon:

SC Court of Appeals: ctappfilings@sccourts.org

Catharine Garbee Griffin, Esq.
Baker, Ravenel & Bender, LLP
3710 Landmark Drive, Suite 400
Columbia, SC 29204
CGriffin@brblegal.com

/s/ Michael D. Smith
Michael D. Smith, Pro Se Appellant
/s/ Mary Smith
Mary Smith, Appellant pro se

July 3, 2026