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Aug 10 2026
SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

The Honorable Dale Van Slambrook, Circuit Court Judge

Appellate Case No. 2024-001734

Olga Teslenko, Appellant,

v.

Joe Kocsis and Carpet King & Flooring, Respondents.

**PROTECTIVE MOTION FOR EMERGENCY STAY, CLARIFICATION NUNC PRO TUNC, AND
REASONABLE ADA ACCOMMODATION**

EXPRESS RESERVATION OF JURISDICTIONAL RIGHTS

Appellant Olga Teslenko files this Protective Motion strictly subject to, and without waiving, abandoning, or compromising, her pending August 7, 2026 Petition for Writ of Mandamus, Emergency Motion for Interim Stay, and Request for Expedited Consideration currently pending before the Supreme Court of South Carolina. This motion is filed solely as a protective measure to prevent constructive default or administrative forfeiture.

I. MOTION FOR EMERGENCY STAY OF APPELLATE DEADLINES.

1. On July 21, 2026, directives were issued ordering Appellant to submit a bound paper copy of the Record on Appeal and Final Brief by August 20, 2026.

2. Appellant's Verified Petition for Writ of Mandamus (filed August 7, 2026, in the Supreme Court of South Carolina) challenges the Clerk's administrative interception of Appellant's May 21, 2026 Amended Petition for Rehearing and requests an immediate stay of all Court of Appeals deadlines.

3. Forcing Appellant to brief an appeal while her Mandamus petition remains unresolved before the Supreme Court presents an untenable dilemma: either file a brief on an incomplete record devoid of essential trial evidence or suffer constructive default. Proceeding under these conditions causes irreparable harm and violates Appellant's constitutional rights to due process and meaningful court access under the Fourteenth Amendment to the United States Constitution and Article I, §§ 3 and 9 of the South Carolina Constitution.

4. To avoid irreparable harm and preserve the status quo while the Supreme Court considers the pending Mandamus petition, Appellant respectfully moves this Court to stay the August 20, 2026 filing deadline pending final order of the Supreme Court.

II. MOTION FOR CLARIFICATION AND ORDER NUNC PRO TUNC.

5. On August 28, 2025, Appellant moved under Rule 240, SCACR, to compel transmission of original trial exhibits submitted to the Circuit Court on July 22, 2024, or alternatively: "Permit Appellant to substitute her copies, including the flashdrive, to be received into the record as of July 22, 2024."

6. On November 26, 2025, this Court issued an Order stating: "After careful consideration, we grant Appellant's motion for alternative relief," and ordered Appellant to supply copies within ten days. Appellant fully complied on December 1, 2025.

7. These substituted materials—originally admitted at trial in Magistrate Court, resubmitted under oath to the Circuit Court on July 22, 2024, and authenticated, unopposed, on the record during the August 21, 2024 hearing—represent pre-existing trial evidence under Rule 210, SCACR, not "new evidence" created on appeal.

8. Although the November 26, 2025 Order granted Appellant's alternative relief in full, the body of the order omitted part of the express language of the alternative relief ("to be received into the record as of July 22, 2024"). This omission has created a latent administrative ambiguity, allowing these trial exhibits to be improperly recharacterized later as extraneous "new evidence" or "matters not presented below."

9. Failure to issue a written order clarifying the November 26, 2025 Order nunc pro

tunc operates to arbitrarily exclude essential, undisputed trial evidence from the Record on Appeal. Excluding pre-existing trial evidence from the record deprives Appellant of a fair appellate review, effecting a denial of due process and meaningful access to the courts guaranteed by the Fourteenth Amendment to the United States Constitution and Article I, §§ 3 and 9 of the South Carolina Constitution.

10. Pursuant to this Court's inherent judicial authority to clarify its own orders, Appellant respectfully requests entry of a written order clarifying the November 26, 2025 Order nunc pro tunc, explicitly confirming that the substituted paper exhibits and flash drive provided on December 1, 2025, are received into the Record on Appeal nunc pro tunc as of July 22, 2024, as materials submitted to the lower court under Rule 210(a) and Rule 240, SCACR.

III. RENEWED MOTION FOR REASONABLE ADA ACCOMMODATION.

11. Pursuant to Title II of the Americans with Disabilities Act (42 U.S.C. § 12101 et seq.), the Fourteenth Amendment to the United States Constitution (Due Process and Equal Protection Clauses), and South Carolina constitutional guarantees of due process and open courts (S.C. Const. art. I, §§ 3 & 9), Appellant formally renews her April 8, 2026 Motion for Reasonable Accommodation.

12. As established in Appellant's April 8, 2026 sworn Declaration and attached medical records, Appellant suffers from documented cerebellar degeneration—a progressive neurological disability that severely impairs vision, fine motor coordination, and physical stamina and posture. Due to these persistent neurological limitations, Appellant cannot sustain reading, typing, editing, or upright posture for more than approximately one hour.

13. These severe functional limitations are critically compounded by the current procedural posture. Forcing Appellant to navigate unadjudicated evidentiary motions, contradictory judicial orders that operate to exclude essential trial evidence, and administrative reclassifications within standard time constraints imposes an insurmountable physical burden. Denying a reasonable accommodation under these

conditions effects a complete denial of meaningful and equal access to the appellate process, violating Title II of the ADA (42 U.S.C. § 12101 et seq.) and Fourteenth Amendment Due Process and Equal Protection guarantees.

14. To afford Appellant equal court access under federal law, Appellant requires a reasonable modification of the case schedule, specifically requesting a sixty (60) day extension of time following entry of written judicial orders resolving both Appellant's May 21, 2026 Amended Petition for Rehearing and Section II of this Motion. Without such accommodation, Appellant is placed in the untenable position of attempting to proceed under conditions that exceed her functional capacity.

PRAYER FOR RELIEF

WHEREFORE, Appellant respectfully requests that this Court:

1. STAY all appellate deadlines, including the August 20, 2026 briefing deadline, pending disposition of the August 7, 2026 Mandamus proceeding before the Supreme Court of South Carolina;
2. ISSUE a written order clarifying the November 26, 2025 Order nunc pro tunc, explicitly confirming that the substituted paper exhibits and flash drive provided on December 1, 2025, are received into the Record on Appeal nunc pro tunc as of July 22, 2024, as materials submitted to the lower court under Rule 210(a) and Rule 240, SCACR;
3. GRANT a reasonable ADA accommodation by extending Appellant's briefing deadline to sixty (60) days following entry of written judicial orders resolving both Appellant's May 21, 2026 Amended Petition for Rehearing and Section II of this Motion; and
4. GRANT such other and further relief as this Court deems just and proper.

Respectfully submitted,

s/ Olga Teslenko

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Dated: August 10, 2026.

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CERTIFICATE OF SERVICE

Appellant hereby certifies that she has served her Protective Motion for Emergency Stay, Clarification Nunc Pro Tunc, and Reasonable ADA Accommodation upon Respondents, Mr. Joe Kocsis, who at all relevant times represented himself to be the owner of Carpet King & Flooring. Service was made by depositing a true copy thereof with DHL Express, postage prepaid, on August 10, 2026, addressed to: Mr. Joe Kocsis, Carpet King & Flooring, 532 Broadway Street, Myrtle Beach, SC 29577.

Respectfully submitted,

s/ Olga Teslenko

Olga Teslenko, Appellant, Pro Se
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