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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals
[In The Supreme Court]

APPEAL FROM SPARTANBURG COUNTY
Court of Common Pleas

R. Keith Kelly, Circuit Court Judge

Appellate Case No. 2026-000911

APPELLANT'S MOTION TO REINSTATE APPEAL

Appellant, Charity Lynn Miller, by and through her undersigned counsel, respectfully moves this Honorable Court to use its discretion to grant an order reinstating this appeal for good cause shown, pursuant to Rule 260 (a), SCACR.

The Appellant filed her timely *Initial Brief of Appellant* on August 18, 2026. Appellant was notified that their brief was missing a designation of matter on August 19, 2026. The Clerk of Court gave Appellant ten (10) days to file a designation of matter to come into compliance.

During this time, the sole Counsel for the Appellant faced unanticipated disruption when he had to undergo an outpatient surgical procedure. This prevented Appellant's counsel from filing the designation of matter in time. Counsel was further prevented from filing a secondary extension request. As referenced in the Appellant's first Motion for Extension of Time, filed on July 16, 2026, Appellant's Counsel was diagnosed with a life threatening heart condition in February 2026. The Counsel's diagnosis of a failing valve and open-heart valve replacement surgery on March 11, 2026, has caused

subsequent unavoidable medical disruptions. Appellant's Counsel has been under close physician supervision for six (6) months after his open-heart surgery. Thankfully Appellant's Counsel received positive reports from his medical team following his untimely outpatient surgical procedure in August. Counsel is set to be released from physician supervision on September 11, 2026.

Appellant's counsel apologizes for this unexpected delay and argues that it is excusable due to good cause. Counsel has acted swiftly in rectifying the outstanding deficiency, filing all necessary documents less than forty-eight (48) hours of the Court dismissing the Appellant's appeal. The related filing fee was postmarked on September 3, 2026, to be sent to the Court of Appeals. These documents have been served on all parties. Appellant has also attached and filed *Memorandum in Support of Appellant's Motion to Reinstate Appeal* in accordance with Rule 240, SCACR.

Respectfully submitted,

/s/ F. Milton Mann, Jr. Esq

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Attorney for Appellant, Charity Lynn Miller

September 3, 2026

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PROOF OF SERVICE OF THE APPELLANT'S MOTION TO REINSTATE APPEAL

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APPEAL FROM SPARTANBURG COUNTY
Court of Common Pleas

R. Keith Kelly, Circuit Court Judge

Case No. 2026-000911

James S. Blanton, Respondent,

v.

Charity Lynn Miller, Appellant.

PROOF OF SERVICE

I certify that I have served the *Appellant's Motion to Reinstate Appeal* on James S. Blanton through his attorney of record Chad Pye, Esq via email to cpye@chadpye.com on September 3rd, 2026.

September 3rd, 2026

/s/ F. Milton Mann, Jr. Esq
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