

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.

**APPELLANT'S EMERGENCY MOTION FOR RECONSIDERATION OF SEPTEMBER 2, 2026
ORDER, CLARIFICATION OF NOVEMBER 26, 2025 ORDER, AND ADA
ACCOMMODATION PURSUANT TO RULE 221, SCACR**

Appellant Olga Teslenko, Pro Se, respectfully moves this Court pursuant to Rule 221, SCACR, for Reconsideration of the Court's Order dated September 2, 2026, and in support thereof shows:

1. On August 10, 2026, Appellant served and filed a Protective Motion for Emergency Stay, Clarification Nunc Pro Tunc, and Reasonable ADA Accommodation, explicitly requesting: (a) an emergency stay; (b) entry of a judicial order clarifying that trial exhibits transmitted on December 1, 2025 pursuant to the Court's November 26, 2025 Order are received into the Record on Appeal as of the date they were filed below; and (c) a 60-day ADA accommodation following entry of this clarification order resolving the evidentiary status of the trial record.

2. On August 17, 2026, Appellant served and filed a formal Notice of Pending Emergency Motions, Non-Waiver, and Reservation of Constitutional and Federal ADA Rights, putting this Court on express notice that compelling a Record on Appeal while its November 26, 2025 Order remains defective—granting transmission of the authenticated trial evidence filed below but effectively excluding it—operates as an effective dismissal, forces a constructive spoliation of the record and violates Fourteenth Amendment Due Process.

3. On September 2, 2026, this Court issued an Order stating: "Appellant's motion to hold the appeal in abeyance is denied. Appellant must file the record on appeal within 10 days of the date of this order or the appeal will be dismissed."

4. The September 2, 2026 Order ruled solely on the administrative request for abeyance, but omitted any ruling on the requested clarification of the November 26, 2025 Order or Title II ADA accommodation.

5. **THRESHOLD RULE 221 JURISDICTION:** Reconsideration is proper and necessary here because the September 2, 2026 Order is effectively dispositional. By refusing to clarify the defective November 26, 2025 Order—which granted transmission of trial exhibits but omitted to formally receive them into the record as of the date they were filed below—the Order effectively excluded authenticated trial evidence forcing the appeal to be heard on an incomplete record, causing it to fail, and violating Fourteenth Amendment Due Process. By refusing to grant the requested reasonable ADA accommodation, the Order forced Appellant to proceed in an obstructive environment where her unopposed trial evidence is excluded without explanation, under standard time constraints that exceed her functional capacity as a disabled litigant, thereby denying her meaningful and equal access to the appellate process. By imposing the 10-day mandatory dismissal sanction while leaving the core evidentiary defect unresolved, the Order operates as a terminal disposition of the appeal. Compelling Appellant to submit a certified Record on Appeal without certifying the status of the transmitted trial exhibits forces a constructive dismissal or spoliation of the record.

6. Reconsideration is necessary to prevent immediate irreparable prejudice, forced forfeiture of appellate review, and severe Due Process violations. Appellant cannot file a Record on Appeal without explicit confirmation that the trial evidence filed below and transmitted pursuant to the Court's November 26, 2025 Order is formally received into the record under Rule 210, SCACR.

PRAYER FOR RELIEF

WHEREFORE, Appellant respectfully requests that this Court:

1. RECONSIDER its September 2, 2026 Order pursuant to Rule 221, SCACR;
2. ISSUE a written order clarifying the November 26, 2025 Order, explicitly confirming that the trial exhibits transmitted on December 1, 2025, are received

- into the Record on Appeal as of the date they were filed below;
3. GRANT a reasonable ADA accommodation under Title II of the Americans with Disabilities Act by extending Appellant's briefing and record filing deadlines to sixty (60) days following entry of a written judicial order resolving Item 2 above;
 4. STAY the 10-day directive set forth in the September 2, 2026 Order pending final disposition of this Reconsideration Motion; and
 5. GRANT such other and further relief as this Court deems just and proper.

Respectfully submitted,

s/ Olga Teslenko

Olga Teslenko, Appellant, Pro Se
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Dated: September 11, 2026.

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CERTIFICATE OF SERVICE

Appellant hereby certifies that she has served her Emergency Motion for Reconsideration of September 2, 2026 Order 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 September 11, 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
100 Fountain Pointe Ln, Unit 103
Myrtle Beach, South Carolina 29579
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Tel: (510) 388-2780

Dated: September 11, 2026.