

Oct 01 2026

THE STATE OF SOUTH CAROLINA **SC Court of Appeals**
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
Appellate Case No. 2025-001327

Michael and Mary Smith, Appellants,

v.

King Asphalt, Inc., Respondent.

**APPELLANTS' MOTION FOR EXTENSION OF TIME
TO FILE THE BOUND COPIES OF THE RECORD ON APPEAL AND FINAL BRIEFS**

We move under Rule 263(b), SCACR, for an order extending to Monday, October 19, 2026, our time to file the one bound copy of the Record on Appeal and of each final brief required by the Court's letter of September 30, 2026, and permitting those bound copies to be filed after the original Record on Appeal.

FACTS

1. On September 28, 2026, we filed our Final Brief of Appellants and Final Reply Brief of Appellants by email. The Court stamped them received that day.

2. On September 28, 2026, we mailed the Court a USB drive holding the complete Record on Appeal of 1,535 pages, together with both final briefs, by certified Priority Mail, No. 9589 0710 5270 3677 8501 73. Respondent was served with a paper copy of the Record on Appeal, which was delivered to Respondent's counsel on September 17, 2026, as shown by the proof of delivery the Court received on September 18, 2026.

3. By Order dated September 30, 2026, the Court denied filing on a USB drive and directed that the Record on Appeal and final briefs be filed in PDF format if filed electronically, or printed in the format required by Rules 210, 211, and 267, SCACR. A copy is attached as Exhibit A.

4. By letter dated September 30, 2026, the Court required one bound paper copy of the Record on Appeal and of all final briefs, meeting the binding and cover color requirements of Rule 267, SCACR, to be filed at the same time as the original Record on Appeal and final briefs. A copy is attached as Exhibit B.

5. We received the Order and the letter on October 1, 2026. Our time under Rule 211(a), SCACR, ends October 4, 2026, a Sunday, and so runs through Monday, October 5, 2026, under Rule 263(a), SCACR. That left two business days.

6. We will file the original Record on Appeal electronically, in PDF format, on or before October 5, 2026, as the Order directs.

GROUND

7. Before the Order and the letter, nothing told us a bound paper copy would be required. We filed everything on time in the form we believed the Court would accept.

8. The bound copy of the Record on Appeal must be printed on both sides and bound in five volumes of not more than 250 sheets each, with white covers, under Rule 267, SCACR. The final briefs must be bound with blue and gray covers. This is nearly 1,600 printed pages in seven bound books. It must be done by a commercial print shop and cannot reliably be finished and delivered to Columbia in two business days.

9. We are elderly, in poor health, and representing ourselves. We live in Easley, and we have no lawyer and no staff to do this for us.

10. The extension we ask for is short, fourteen days past the present deadline, and it is for the bound copies only. Respondent is not harmed by it. Respondent has had the Record on Appeal since September 17, 2026, and both of our final briefs since September 28, 2026, and the original Record on Appeal will be on file by October 5, 2026.

RELIEF REQUESTED

We ask the Court to extend to Monday, October 19, 2026, our time to file the one bound copy of the Record on Appeal and of each final brief, and to permit the bound copies to be filed after the original Record on Appeal.

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

October 1, 2026

VERIFICATION

We state that the facts in this motion are true to the best of our knowledge.

/s/ Michael Smith
Michael Smith

/s/ Mary Smith
Mary Smith

October 1, 2026

CERTIFICATE OF SERVICE

We certify that on October 1, 2026, we served a true and correct copy of the foregoing Appellants' Motion for Extension of Time to File the Bound Copies of the Record on Appeal and Final Briefs, with Exhibits A and B, by email upon:

Catharine Garbee Griffin, Esquire
Baker, Ravenel & Bender, LLP
3710 Landmark Drive, Suite 400
Post Office Box 8057
Columbia, South Carolina 29202
CGriffin@brblegal.com

/s/ Michael Smith
Michael Smith, Appellant pro se

/s/ Mary Smith
Mary Smith, Appellant pro se

October 1, 2026

RECEIVED
Oct 01 2026
SC Court of Appeals

Exhibit A

The South Carolina Court of Appeals

Michael and Mary Smith, Appellants,

v.

King Asphalt, Inc., Respondent.

Appellate Case No. 2025-001327

The Honorable Jessica Ann Salvini
Pickens County
Trial Court Case No. 2021CP3900329

ORDER

The Court has received Appellant's motion to file the record on appeal and final briefs on a USB drive. This motion is Denied. Due to security concerns, it is our policy to not accept flash drives. The record on appeal and final briefs must be filed in PDF format if filed electronically, or printed in the format outlined in Rules 210, 211, and 267 of the South Carolina Appellate Court Rules.

FOR THE COURT

BY


CLERK

Columbia, South Carolina
September 30, 2026

cc:

Michael Smith

Mary Smith

Catharine Garbee Griffin, Esquire

Exhibit B



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

CATHERINE S. HARRISON
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
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September 30, 2026

Michael Smith
220 Stancil Street
Easley SC 29640

Mary Smith
220 Stancil Street
Easley SC 29640

Re: Michael and Mary Smith v. King Asphalt, Inc.
Appellate Case No. 2025-001327

Dear Mr. and Ms. Smith:

The Court has determined a need exists for one (1) bound copy of the record on appeal and all final briefs. The additional copies must comply with the binding and cover color requirements specified by Rule 267 of the South Carolina Appellate Court Rules (SCACR).

Accordingly, the appellant(s) must file an original record on appeal and final brief(s), in either electronic or unbound paper form, as well as one (1) bound paper copy of each. All other parties must file an original final brief and one (1) bound paper copy. **The bound copies are due to be filed at the same time as the original record on appeal and final briefs.**

The correct caption for this appeal should read as follows on the record on appeal and all final briefs:

Michael and Mary Smith, Appellants,

v.

King Asphalt, Inc., Respondent.

We request large parcels such as bound paper copies of the record on appeal and all final briefs be sent directly to the Court via the street address: **1220 Senate Street, Columbia, SC 29201.**

Very truly yours,

Handwritten signature of Jasmine D. Smith, Deputy Clerk, in cursive script.

CLERK

cc: Catharine Garbee Griffin, Esquire