

**THE STATE OF SOUTH CAROLINA**

**IN THE COURT OF APPEALS**

**APPEAL FROM YORK COUNTY**

**The Honorable Perry H. Gravely, Circuit Court Judge**

|                                                                                        |                                                                                               |
|----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|
| <p>Igor Volkovskiy,<br/>Appellant,</p> <p>v.</p> <p>Oleg Protsyuk,<br/>Respondent.</p> | <p><b>Appellate Case No. 2026-001134</b></p> <p>Trial Court Case No.<br/>2023-CP-46-03225</p> |
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**APPELLANT'S MOTION TO REINSTATE APPEAL AND FOR LEAVE TO FILE  
INITIAL BRIEF AND DESIGNATION OF MATTER OUT OF TIME**

Appellant Igor Volkovskiy, appearing pro se, respectfully moves pursuant to Rules 240 and 260(a), SCACR, for reinstatement of this appeal and for leave to serve and file his Initial Brief and Designation of Matter out of time. In support, Appellant states:

1. On September 22, 2026, the Court dismissed this appeal because Appellant had not timely served and filed his Initial Brief and Designation of Matter.
2. Appellant has never intended to abandon this appeal. He actively pursued appellate review, including filing the appeal, addressing prior filing issues, arranging and paying for the transcript, obtaining the transcript, and notifying the Court of receipt of the transcript.
3. Appellant is self-represented and misunderstood the next procedural steps after receipt of the transcript. Based on the prior course of communication, formal Court correspondence had consistently reached him by United States Mail, and he believed formal correspondence concerning a new deadline or deficiency would likewise arrive by mail.
4. The Court's September 10, 2026 email concerning the overdue Initial Brief and Designation was automatically routed to Appellant's spam/junk folder. Appellant did not see that

correspondence before dismissal. The spam routing, together with Appellant's expectation of mailed formal correspondence, contributed to his misunderstanding of the deadline.

5. Appellant acknowledges his responsibility to monitor and comply with appellate deadlines. The missed filing was not intentional, was not for delay, and was not an abandonment of the appeal.

6. After learning of the dismissal and understanding the required corrective procedure, Appellant promptly contacted the Clerk's Office and began preparing this Rule 260 motion and the overdue appellate filings.

7. Appellant respectfully submits that these circumstances constitute good cause under Rule 260(a), SCACR, and that Respondent will not be unfairly prejudiced by a short period in which to cure the missed filings.

**WHEREFORE**, Appellant respectfully requests that this Court:

(a) reinstate Appellate Case No. 2026-001134 pursuant to Rule 260(a), SCACR;

(b) withhold remittitur while this timely motion is pending; and

(c) permit Appellant ten (10) days from entry of an order reinstating the appeal to serve and file his Initial Brief and Designation of Matter, or such other period as the Court deems appropriate.

Respectfully submitted,



**Igor Volkovskiy, Appellant, Pro Se**

Telephone: 704-670-4873

Email: iggyvolk555@gmail.com

Date: 10-4-26

## MEMORANDUM IN SUPPORT OF MOTION TO REINSTATE

**Rule 260(a), SCACR.** Rule 260(a) provides that a dismissed appeal may be reinstated by leave of the Court upon good cause shown, after notice to all parties. It further provides that the case will not be remitted to the lower court if a motion to reinstate is actually received by the appellate court within fifteen days of filing of the dismissal order, excluding the day of filing.

**Rule 240, SCACR.** Rule 240 governs motions to reinstate. It requires a written motion stating the grounds for relief, a memorandum with citation of authorities, proof of service, and, when facts relied upon are not contained in the Record on Appeal, supporting affidavits or other documents.

**Good cause and prompt cure.** The accompanying affidavit establishes that Appellant continued to prosecute this appeal and did not abandon it. The missed deadline resulted from a pro se procedural misunderstanding compounded by the September 10 email being routed to spam and Appellant's expectation, based on prior communications, that formal Court correspondence would also arrive by mail. Upon learning of the dismissal and the corrective procedure, Appellant acted promptly.

Appellant therefore respectfully requests that the Court find good cause, reinstate the appeal, and allow a short period to complete and file the Initial Brief and Designation of Matter.



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Igor Volkovskiy, Appellant, Pro Se

Date: 10-4-26

## AFFIDAVIT OF IGOR VOLKOVSKIY

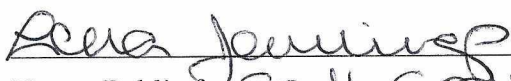
I, Igor Volkovskiy, being first duly sworn, state:

1. I am the self-represented Appellant. I have continuously intended to pursue this appeal and have never intended to abandon it.
2. I actively prosecuted the appeal by addressing prior filing issues, arranging and paying for the transcript, obtaining it, and notifying the Court that I had received it.
3. I misunderstood the next procedural step after receipt of the transcript. Formal Court correspondence in this matter had consistently reached me by United States Mail, and I expected formal correspondence concerning a new deadline or deficiency would likewise arrive by mail.
4. The Court's September 10, 2026 email concerning the overdue Initial Brief and Designation was automatically routed to my spam/junk folder. I did not see it before the appeal was dismissed.
5. I did not intentionally disregard the Court's instructions or miss the deadline for delay. After learning of the dismissal and the reinstatement procedure, I contacted the Clerk's Office and promptly began taking steps to correct the missed filings.
6. I respectfully ask the Court to reinstate my appeal and allow me a short period to file the Initial Brief and Designation of Matter.



Igor Volkovskiy

SWORN TO AND SUBSCRIBED before me  
this 4 day of October, 2026.



Notary Public for South Carolina  
My Commission Expires: 4-24-2036



# CERTIFICATE OF SERVICE

I certify that on Oct 4, 2026, I served a true and correct copy of the foregoing Appellant's Motion to Reinstate Appeal and for Leave to File Initial Brief and Designation of Matter Out of Time, including the supporting memorandum and affidavit, upon counsel for Respondent by email and by United States Mail, first-class postage prepaid, addressed as follows:

**Clay A. Campbell, Esquire**

Marcellino & Tyson, PLLC

2200 E. 7th Street, Suite 100

Charlotte, NC 28204

Email: clay@yourncattorney.com

**RECEIVED**

**Oct 05 2026**

**SC Court of Appeals**



**Igor Volkovskiy**

Date: 10-4-26