

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM FLORENCE COUNTY  
Court of Common Pleas, The Honorable R. Knox McMahon

**RECEIVED**

JUN 25 2014

Case Nos. 2013-CP-21-1334 and 2013-ES-21-190  
Appellate Case No. 2013-002810

**SC Court of Appeals**

72642

In the Matter of the Estate of Eris Singletary Smith

In re:

Eris Gail Smith, ..... Appellant.

v.

Judy Smith Jones, Jacquelyn Brown, James Ervin  
Smith, Timothy David Smith, Jamie Smith, and Mikie  
Smith, Defendants

Of whom Judy Smith Jones is the, ..... Respondent,

MOTION FOR EXTENSION OF TIME TO FILE APPELLANT'S INITIAL BRIEF  
AND DESIGNATION OF MATTER

Pursuant to Rules 208(a)(3) and 240 of the South Carolina Appellate Court Rules, Appellant Eris Gail Smith, requests a thirty (30) day extension of time to file its Initial Appellant's Brief and Designation of Matter in the above-captioned matter. This is the third request for an extension of this deadline.

The extraordinary circumstances necessitating this request are that Appellant, Ms. Smith, desires to offer input regarding her brief and has been prevented from doing so due to her hospitalization for a period of several days, and that Appellant's counsel, Mitch Brown, recently underwent surgery from which he is still recuperating to repair a severely broken ankle requiring ongoing treatment and recovery, both of which prevent completion the Initial Appellant's Brief and Designation of Matter within the current deadline.

Currently, Appellant's Initial Brief and Designation are due on July 2, 2014. With the additional thirty (30) day extension, Appellant's Initial Brief and Designation will be due Friday, August 1, 2014, per Rule 263, SCACR. Appellant's counsel attempted to consult with counsel for Respondent to obtain consent to this extension but was unsuccessful in doing so due to counsel's current and ongoing absence on vacation.

Therefore, Appellant respectfully moves this Court for a thirty (30) day extension of time to file its Initial Brief and Designation of Matter in the above-captioned matter until August 1, 2014. **Appellant asks that the current deadline be held in abeyance pending the Court's consideration and resolution of this motion.**

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: 

C. Mitchell Brown  
SC Bar No. 012872  
E-Mail: mitch.brown@nelsonmullins.com  
William C. Wood, Jr.  
SC Bar No. 015111  
E-Mail: bill.wood@nelsonmullins.com  
Miles E. Coleman  
SC Bar No. 078264  
E-Mail: miles.coleman@nelsonmullins.com  
1320 Main Street / 17th Floor  
Post Office Box 11070 (29211-1070)  
Columbia, SC 29201  
(803) 799-2000

Attorneys for Appellant

Columbia, South Carolina

June 25, 2014

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM FLORENCE COUNTY  
Court of Common Pleas  
Honorable R. Knox McMahon

Case Nos. 2013-CP-21-1334 and 2013-ES-21-190  
Appellate Case No. 2013-002810

**RECEIVED**  
JUN 25 2014  
SC Court of Appeals

In the Matter of the Estate of Eris Singletary Smith

In re:

Eris Gail Smith, ..... Appellant.

v.

Judy Smith Jones, Jacquelyn Brown, James Ervin  
Smith, Timothy David Smith, Jamie Smith, and Mikie  
Smith, Defendants

Of whom Judy Smith Jones is the, ..... Respondent,

PROOF OF SERVICE


I, the undersigned Administrative Assistant of the law offices of Nelson Mullins Riley & Scarborough LLP, attorneys for Appellant, do hereby certify that I have served all counsel in this action with a copy of the pleading(s) hereinbelow specified by mailing a copy of the same by United States Mail, postage prepaid, to the following address(es):

Pleadings: MOTION FOR EXTENSION OF TIME TO FILE  
APPELLANT'S INITIAL BRIEF AND DESIGNATION OF  
MATTER

Counsel Served: Gary I. Finklea, Esquire  
Finklea Law Firm  
P.O. Box 1317  
Florence, SC 29503

Robert E. Lee, Esquire  
P.O. Box 1096  
Marion, SC 29571  
(843) 423-1313

Jeffrey L. Payne, Esquire  
Turner Padgett Graham & Laney  
P.O. Box 5478  
Florence SC 29502  
(843)656-4432

  
\_\_\_\_\_  
Lisa P. Whitehurst  
Administrative Assistant

June 25, 2014

# Nelson Mullins

Nelson Mullins Riley & Scarborough LLP  
Attorneys and Counselors at Law  
1320 Main Street / 17th Floor / Columbia, SC 29201  
Tel: 803.799.2000 Fax: 803.256.7500  
www.nelsonmullins.com

William C. Wood, Jr.  
Tel: 803.255.9534  
bill.wood@nelsonmullins.com

June 25, 2014

VIA HAND-DELIVERY

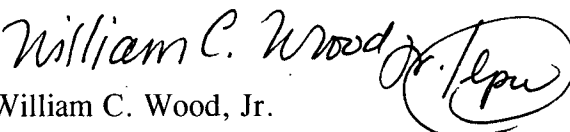
The Honorable Jenny Abbott Kitchings  
Clerk of Court, SC Court of Appeals  
1015 Sumter Street - 5th Floor  
Columbia, SC 29201

RE: In the Matter of the Estate of Eris Singletary Smith  
Appellate Case No. 2013-002810  
Our File No. 42246/01500

Dear Ms. Kitchings:

Enclosed please find the original and seven copies of a Motion for Extension of Time to File Appellant's Initial Brief and Designation of Matter in the above-referenced matter, along with our check in the amount of \$25.00 representing the required filing fee. We ask that you file the original and return a clocked-in copy to us via our courier.

Sincerely,

  
William C. Wood, Jr.

WCWJR:lpw

Enclosures

cc: Jeffrey L. Payne, Esquire  
Robert E. Lee, Esquire  
Gary I. Finklea, Esquire

**RECEIVED**

JUN 25 2014

**SC Court of Appeals**