

THE STATE OF SOUTH CAROLINA
In The Court Of Appeals

APPEAL FROM FLORENCE COUNTY
Court of Common Pleas

Honorable R. Knox McMahon, Circuit Court Judge

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

RECEIVED

AUG 05 2014

SC Court of Appeals

4310A

In the Matter of the Estate of Eris Singletary Smith

In re:

Eris Gail Smith,.....Appellant,

v.

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

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

**MOTION TO EXTEND TIME TO
FILE RESPONDENT'S INITIAL BRIEF AND DESIGNATION OF MATTER**

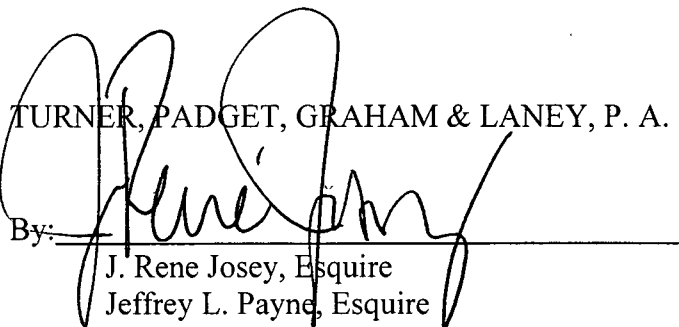
Pursuant to SCACR 240 and 263, the Respondent hereby moves for an extension of time in which to file the Initial Brief and Designation of Matter to be Included in the Record on Appeal in the above-referenced matter. The Respondent's initial Designation of Matter and Brief are now due on or about August 22, 2013. A significant disagreement regarding the record on appeal as found in the Appellant's Designation of Matter and related brief arguments is being addressed by the Respondent's separate Motion to Strike under SCACR 210(c) that is being filed contemporaneously herewith. The issues in that Motion need to be resolved before

additional briefing and designation can continue. Thus, the purpose of this requested extension is to allow the Court time to address that Motion to Strike. Respondent would ask that these deadlines be extended until 30 days after the Court addresses the Motion to Strike. While counsel for the Appellant does not agree with or consent to the Motion to Strike, they do consent to the requested extension (email of July 30, 2014 attached as Exhibit A).

Respectfully Submitted,

Florence, South Carolina

July 31, 2014

TURNER, PADGET, GRAHAM & LANEY, P. A.

By: _____

J. Rene Josey, Esquire
Jeffrey L. Payne, Esquire
319 S. Irby Street
Post Office Box 5478 (29502)
Florence, South Carolina 29501
(843) 662-9008
(843) 667-0828 fax
Email: rjosey@turnerpadget.com

ATTORNEYS FOR THE RESPONDENT

Other Counsel of Record:

C. Mitchell Brown, Esquire
William C. Wood, Jr., Esquire
Miles E. Coleman, Esquire
Attorneys for Appellant

Josey, J. Rene

From: Josey, J. Rene
Sent: Wednesday, July 30, 2014 12:02 PM
To: Miles Coleman; Bill Wood; Mitch Brown
Cc: Payne, Jeff L.; Josey, J. Rene
Subject: RE: Eris Smith: Letter re: Record on Appeal

Thanks – I will file 2 separate motions so that it is clear.



J. Rene Josey
Attorney
PO Box 5478 | Florence, SC 29502
319 South Irby Street | Florence, SC 29501
843-656-4451 | Fax 843-413-5818
jjosey@turnerpadget.com
[Bio](#) | [vCard](#) | [Location](#)

From: Miles Coleman [<mailto:Miles.Coleman@nelsonmullins.com>]
Sent: Wednesday, July 30, 2014 12:00 PM
To: Josey, J. Rene; Bill Wood; Mitch Brown
Cc: Payne, Jeff L.
Subject: RE: Eris Smith: Letter re: Record on Appeal

We consent.

From: Josey, J. Rene [<mailto:JJosey@TurnerPadget.com>]
Sent: Wednesday, July 30, 2014 11:53 AM
To: Miles Coleman; Bill Wood; Mitch Brown
Cc: Payne, Jeff L.; Josey, J. Rene
Subject: RE: Eris Smith: Letter re: Record on Appeal

Understood – just fulfilling our duty to consult.

Will you agree that the due date for our initial brief can be extended until any motion regarding the Record on Appeal is determined?



J. Rene Josey
Attorney
PO Box 5478 | Florence, SC 29502
319 South Irby Street | Florence, SC 29501
843-656-4451 | Fax 843-413-5818
jjosey@turnerpadget.com
[Bio](#) | [vCard](#) | [Location](#)

From: Miles Coleman [<mailto:Miles.Coleman@nelsonmullins.com>]
Sent: Wednesday, July 30, 2014 11:44 AM
To: Josey, J. Rene; Bill Wood; Mitch Brown
Cc: Payne, Jeff L.
Subject: RE: Eris Smith: Letter re: Record on Appeal



Rene',

We have reviewed your letter concerning the contents of the Record on Appeal. We respectfully disagree with your contention that the Examinations Under Oath are not properly part of the Record. Accordingly, we will not be removing those items from the Designation nor will we be eliminating any reference to them from Appellant's Initial Brief.

Miles

From: Josey, J. Rene [<mailto:JJosey@TurnerPadget.com>]

Sent: Wednesday, July 30, 2014 11:11 AM

To: Miles Coleman; Bill Wood; Mitch Brown

Cc: Payne, Jeff L.; Josey, J. Rene

Subject: Eris Smith: Letter re: Record on Appeal

Gentlemen – please see the attached letter regarding concerns with the Record on Appeal. I do not plan to snail-mail this letter too unless requested.

Rene'



J. Rene Josey
Attorney
PO Box 5478 | Florence, SC 29502
319 South Irby Street | Florence, SC 29501
843-656-4451 | Fax 843-413-5818
jjosey@turnerpadget.com
[Bio](#) | [vCard](#) | [Location](#)

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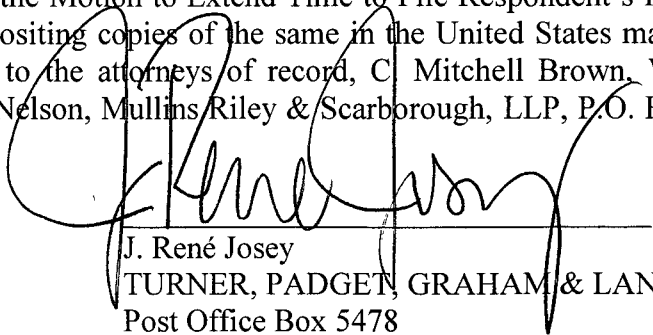
v.

Judy Smith Jones, Jacqueline 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 certify that I have served the Motion to Extend Time to File Respondent's Initial Brief and Designation of Matter, by depositing copies of the same in the United States mail, postage prepaid, on August 4th, 2014, to the attorneys of record, C Mitchell Brown, William C. Wood, Jr. and Miles E. Coleman, Nelson, Mullins Riley & Scarborough, LLP, P.O. Box 11070, Columbia, SC 29211.



J. René Josey
TURNER, PADGET, GRAHAM & LANEY, P.A.
Post Office Box 5478
Florence, SC 29502-5478
843-656-4451 (Telephone)
843-413-5818 (Fax)
RJosey@TurnerPadget.com (Email)

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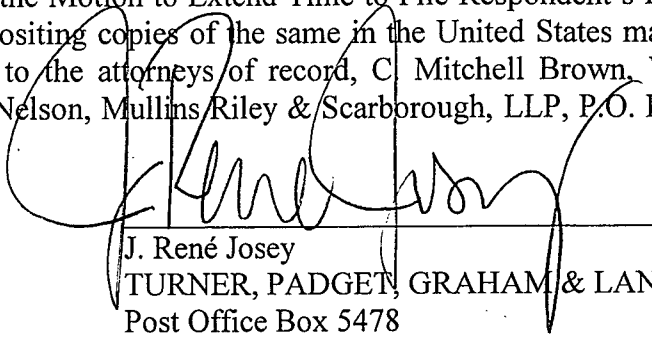
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J. René Josey
TURNER, PADGET, GRAHAM & LANEY, P.A.
Post Office Box 5478
Florence, SC 29502-5478
843-656-4451 (Telephone)
843-413-5818 (Fax)
RJosey@TurnerPadget.com (Email)

ATTORNEYS FOR RESPONDENT