

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM AIKEN COUNTY
Court of Common Pleas

Honorable Doyet A. Early, III, Circuit Court Judge

Appellate Case No. 2013-001856

RECEIVED
JUN 01 2015
SC Court of Appeals

Applicant for intervention Jacquelyne Hollander Appellant/Appellant

v.

The Irrevocable Trust Established
by James Brown on August 1, 2000
and Russell L. Bauknight, as
Trustee of the Irrevocable Trust
established by James Brown on
August 1, 2000

Of whom Russell L. Bauknight is Respondent

RESPONSE TO RESPONDENT'S MOTION TO STRIKE RULE 204 MOTION OR,
IN THE ALTERNATIVE, DENY THE RULE 204 MOTION

Jacquelyne Hollander pro se, respectfully moves that this Honorable Court to deny
Respondent's Motion to strike or deny Applicant's Rule 204 Motion to certify.

April 30, 2015

Jacquelyne Hollander
1850 White Oak Drive
Algonquin, Illinois 60102
(815) 814-5671

Other Counsel of Record:
J. David Black, Esq.
PO Drawer 2426
Columbia, South Carolina 29202-2426

Applicant has reviewed the background information provided in Respondent's Motion and confirms that, due to the tragic murder of her local counsel, she is currently left with no choice but to proceed pro se in this matter, as is her constitutional right. Applicant has interviewed other counsel to represent her and hopes that she will retain local counsel prior to submission of briefs if this Honorable Court agrees to certify this case.

The current status of the case before the Court of Appeals is that Respondent has been ordered to provide a response to the Petition for Rehearing filed by Applicant's late counsel by no later than May 31, 2015.

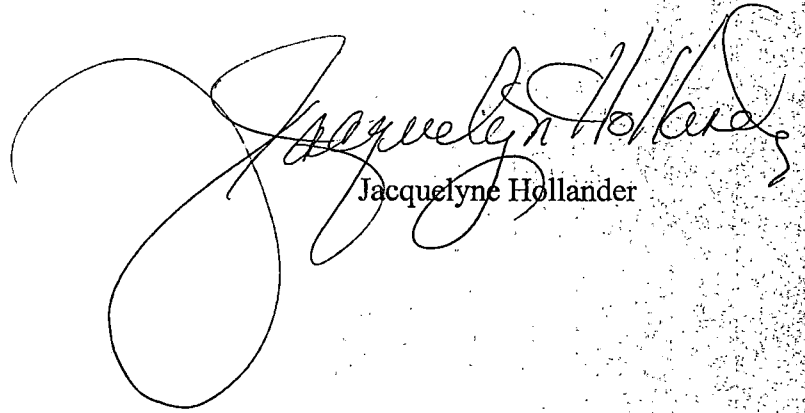
It appears that the only argument made by Respondent, without precedence, in support of their Motion to Strike or Deny questions this Court's authority to certify the matter under Rule 204 because it is no longer pending before the Court of Appeals as that Court has already issued an opinion.

Guidance on this matter is found in both Rule 204 and in Rule 242. Rule 242(c), SCACR provides, "A decision of the Court of Appeals is not final for the purpose of review by the Supreme Court until the petition for rehearing or reinstatement has been acted on by the Court of Appeals." Therefore, since the Court of Appeals has not acted on the Petition for Rehearing, the opinion of the Court of Appeals does not render it "final" for purposes of certification under Rule 242. Ipso facto, the matter should be considered pending for consideration under Rule 204.

Rule 204 provides broad discretion to this Honorable Court to certify this matter before the decision is final in the Appellate Court. "The Supreme Court may, in its discretion, on motion of any party to the case, on request by the Court of Appeals, or on its own motion, certify the case for review by the Supreme Court before it has been determined by the Court of Appeals." *Rule 204(b), SCACR.*

That discretion should be exercised in this case as the resolutions of the matters therein are vital to a comprehensive and just resolution to the cases already before this Honorable Court. Accordingly, Applicant respectfully requests that this Honorable Court deny Respondent's Motion to Strike or Deny Applicant's subject Motion.

Respectfully Submitted,



Jacquelyne Hollander

May 28, 2015

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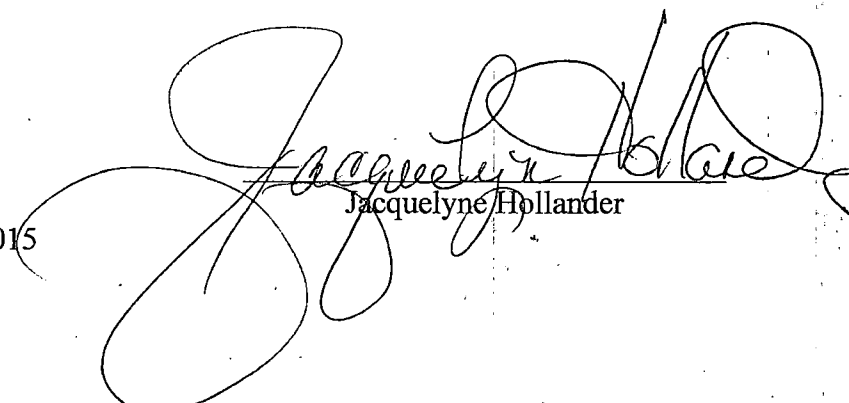
Respondent

PROOF OF SERVICE

The undersigned hereby certifies that she has served Appellant Jacquelyne Hollander's *Response to Respondent's Motion to Strike Rule 204 Motion or, In the Alternative, Deny the Rule 204 Motion* dated May 28, 2015 in the above case on Respondent by depositing same in the U.S. Mail, postage prepaid, properly addressed to the below counsel on May 28, 2015:





J. David Black, Esq.
PO Drawer 2426
Columbia, South Carolina 29202-2426

May 28, 2015



Jacquelyne Hollander

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FROM:

Donald Rosen
1949 Cherokee Rd.
Carpentersville, Ill. 60110

TO:

Jerry Abbott Kitching
Clerk of the South Carolina Court of Appeals
1220 Senate Street
Columbia, S.C. 29201

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