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OCT 28 2015

SC Court of Appeals

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October 26, 2015

Hon. Jenny Abbot Kitchings,
Clerk of Court
South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

Via U.S. Mail and Facsimile
803-734-1839

Re: *Mary Judith O'Dell Burns v. George D. Dove v. Laurel A. Burns*
Of whom Mary Judith Burns is the Respondent and George D. Dove is the Appellant
State of South Carolina, In the Court of Appeals
Case No. 2015-002094
From York County, In the Court of Common Pleas (Case No. 2014-CP-46-01390)

Dear Clerk Kitchings:

I am writing in response to the October 23, 2015 correspondence sent to you by Oana D. Johnson, Esq., counsel for the Appellant, in the above-referenced matter. I have enclosed a copy of said correspondence for your reference.

My concerns regarding Ms. Johnson's letter are numerous. To begin with, I cannot ascertain if she actually made a formal motion for an extension of time as required by South Carolina Appellate Court Rules ("SCACR") Rule 240(c), which, as you know, states that, "All motions or petitions filed in an appellate court shall be in writing, shall state the grounds thereof, and shall comply with the requirements of Rule 267." The Rule goes on to state that, "Each motion or petition shall include...[a] certificate or affidavit of service reflecting the date of service upon all parties,...[and] [a] memorandum with citation of authorities in support of the motion." I only received a copy of her letter to you, which does not indicate that it should have contained an enclosure and, indeed, did not contain a copy of any motion, petition, and/or certificate or affidavit of service.

Secondly, Rule 11 of the South Carolina Rules of Civil Procedure requires that, "All motions filed shall contain an affirmation that the movant's counsel prior to filing the motion has communicated, orally or in writing, with opposing counsel and has attempted in good faith to resolve the matter..." To my knowledge, Ms. Johnson made no effort whatsoever to contact me regarding

her "motion". Again, I cannot determine if she actually made a motion, but, nonetheless, I believe that professional courtesy would dictate that she contact me in advance regarding the matter.

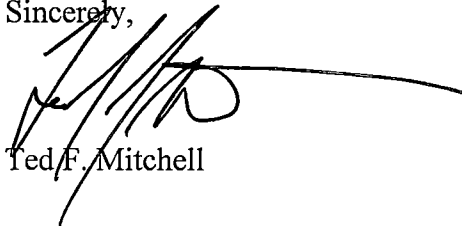
With regard to Ms. Johnson's "...confirmation that Appellants (*sic.*) have requested and received the transcript of both hearings for the Orders appealed prior to filing the notice of appeal", SCACR Rule 207(a)(1) requires that, upon ordering the transcript(s) from the Court Reporter, "Appellant shall contemporaneously furnish all counsel of record, the Office of Court Administration, and the clerk of the appellate court with copies of all correspondence with the court reporter." I have not received a copy of any correspondence between Ms. Johnson and the Court Reporter, so, once again, I have no way to ascertain her compliance or lack thereof to the applicable Rule(s).

With specific regard to the contents of Ms. Johnson's October 23rd letter to you, to the extent that Ms. Johnson has made a motion for an extension of time to file her client's Appellate Brief, I object to the same. This case against Mr. Dove, the Appellant, was initially filed in December of 2013. Since that time, Mr. Dove, through his various counsel, has implored numerous tactics to delay the matter time and time again for as long as possible. It is my firm belief that the filing of the appeal and, now, this "motion" for an extension of time, are rooted solely in the same purpose. Regardless, SCACR Rule 240(g) specifically states that, "Failure of the moving party to perform any act required by this Rule may be deemed an abandonment of the motion or petition." As it seems apparent to me that Ms. Johnson has, indeed, failed to comply with multiple rules applicable to her request for an extension of time, I request that the same be deemed abandoned.

Finally, I respectfully ask that, in the future, Ms. Johnson be required to adhere to all Rules of Appellate and Civil Procedure as well as those of professional conduct.

Thank you for your attention to this matter. Please contact me at your convenience should you have any questions or desire to discuss this matter further.

Sincerely,



Ted F. Mitchell

TFM:kgg
Enclosure

cc: Mary Judith O'Dell Burns, w/enc., via U.S. mail only
Oana D. Johnson, Esq., w/enc., via U.S. mail and email (oana@odjlaw.com)
George J. Kefalos, Esq., w/enc., via U.S. mail and facsimile (843-377-1310)
Laurel A. Burns, w/enc., via U.S. mail only

OANA D. JOHNSON

-ATTORNEY AT LAW-

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SC Court of Appeals

The Honorable Jenny Abbott Kitchens
Clerk of Court
South Carolina Court of Appeals
PO Box 11629
Columbia, SC 29211

RE: Mary Burns v. George Dove
Appellate Case No.: 2015-002094

Appellant's Initial Brief is due November 6, 2015. We respectfully request a thirty days extension to file the same, making Appellant's Initial Brief and Designation of Matter on Appeal due December 6, 2015. I enclose our check in the amount of \$25.00, representing the filing fee for this motion. By copy of this to opposing counsel I am advising them of our request.

Additionally, please let this letter serve as our confirmation that Appellants have requested and received the transcript of both hearings for the Orders appealed prior to filing the notice of appeal.

Thank you,

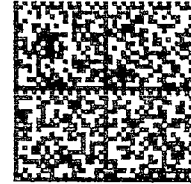


Oana D. Johnson, Esq.

OANA D JOHNSON ATTY AT LAW

Cc: Ted Mitchell, Esq.
George Kefalos, Esq.
George Dove
Laurel Burns

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