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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

APPEAL FROM LEXINGTON COUNTY
Court of Common Pleas – Master in Equity

JUN 28 2016

SC Court of Appeals

James O. Spence, Master-in-Equity

Case No. 2008-CP-32-3594

Deutsche Bank National Trust Company,

Respondent,

v.

Steven E. Sharpe; Sherry L. Sharpe; The United States of America
acting by and through its agent, Internal Revenue Service;
The State of South Carolina Department of Revenue,
Of whom: **Steven E. Sharpe and Sherry L. Sharpe are**
Appellants.

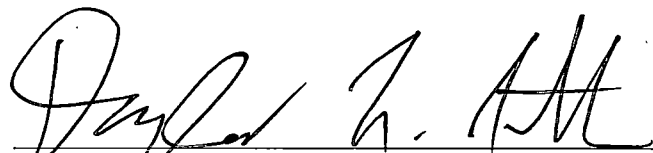
Appellants.

**MOTION TO REINSTATE APPEAL
AND TO STAY TIME LIMITS**

Appellants Steven and Sherry Sharpe hereby move to vacate the Order of Dismissal issued by the Clerk of the Court of Appeals and received by their attorney of record on or about June 20, 2016; to reinstate the appeal; and to stay all time limits and deadlines immediately and for a reasonable time because of counsel's ongoing recovery from serious illness, pursuant to Rule 240(b), SCACR, on the following grounds.

1. On April 18, 2016, Appellants duly filed Notice of Appeal with the Court of Appeals, and properly served it upon all other counsel.
2. Undersigned counsel has been seriously ill, was hospitalized for three weeks in May 2016, and is convalescing and recovering at home, unable to work.
3. Undersigned counsel also is burdened with a still undiagnosed liver disease or condition that must be identified as soon as possible so that appropriate treatment may be determined and administered.
4. The purported failure to provide copy of a hearing transcript in the lower court was unavoidable and excusable because of the death of counsel's brother in May 2016, and counsel's ensuing hospitalization in intensive care.
5. The facts warranting this Motion are provided and corroborated by the attached affidavit of undersigned counsel.
6. Counsel hereby certifies that this Motion is not an attempt to delay unduly the instant appeal. Instead, as explained in the attached affidavit, the bases of this Motion are grounded in the facts and are valid justification for the relief sought.

June 27, 2016



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E-MAIL: dkotti.law@gmail.com
Attorney for Appellants Steven and Sherry Sharpe

STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON) **AFFIDAVIT OF DOUGLAS K. KOTTI**

DOUGLAS K. KOTTI, being duly sworn, deposes and says as follows.

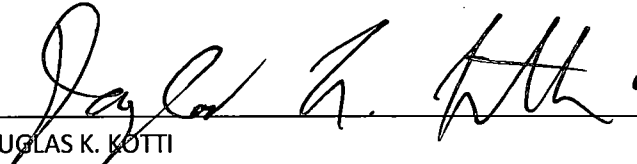
1. In the instant appeal, I am attorney of record for Appellants, Steven and Sherry Sharpe. Since 2013, I have been representing Appellants in the lower court for the underlying action now on appeal to the Court of Appeals. My clients wish for me to remain their attorney because during my extensive involvement, research, meetings with them, and attendance at numerous hearings, I am very knowledgeable of the facts and law entailed in the case.
2. I have been beset with acute serious medical crises beginning in March 2015. Specifically, as a cancer survivor, post-treatment complications have caused these acute serious medical problems, which always resulted in double pneumonia. In March 2015, December 2015, and May 2016, I was hospitalized on an emergency basis and placed in intensive care. Most recently, on May 10, 2016, I was admitted on an emergency basis to Palmetto Health Richland Hospital by ambulance and placed in intensive care once again. I was hospitalized for the balance of May 2016, leaving me emaciated, exhausted, and incapacitated. Because I was very ill, I have very limited memory of the first two weeks or so of my hospitalization last month.
3. Three days into hospitalization last month, my situation deteriorated suddenly and extensively. Treating physicians were concerned that I would die.
4. Presently, on "doctors' orders," I am confined at home to convalesce and recover. I am unable to work and perform normal attorney duties and functions at this time. I am still

taking prescription drugs and breathing treatment inhaler for treatment of pneumonia. Any exertion of fifteen minutes or longer causes me to become grossly fatigued and unable to function. I am unable to operate an automobile farther than a mile or so. I am often dizzy and constantly fatigued and physically incapacitated. My recovery is extraordinarily and frustratingly slow. As my physicians explained, any one illness occurring since March 2015 "could have" killed me; the three bouts with double pneumonia over thirteen months cumulatively "should have" killed me.

5. On May 2, 2016, my brother died from pancreatic cancer. He resided in Spartanburg County; his funeral was in Greenville County; he was buried in North Carolina. Consequently, I have not worked in my law office since May 4 because I out of town for my brother's funeral and burial, and then hospitalized for three weeks upon returning from those funeral activities.
6. During my hospitalization in December 2015, physicians discovered that I also have a liver disease or condition. After undergoing liver biopsies in February 2016, and other tests and imaging in April and early May 2016, the treating gastroenterologist referred my case to liver experts at the Medical University of South Carolina (MUSC) in Charleston. Because of my hospitalization last month, I was unable to attend initial meetings and assessment by physicians at MUSC. Consequently, my liver disease / condition remains unidentified and undiagnosed. Blood flow into my liver is partially blocked, and my spleen is now enlarged. Thus, the need for my assessment and eventual treatment for this liver disease / condition is ongoing and acute; and I must pursue this assessment and treatment as soon as possible.


7. On or about Monday, June 20, 2016, an undated Order dismissing the instant appeal, issued by the Clerk for the Court of Appeals was received at my law office by regular mail; the envelope from the Court was postmarked June 16. The reason for dismissal of the appeal is failure to supply to the Court copy of Appellants' request for a hearing transcript.
8. I am in receipt of all hearing transcripts from the lower court that are relevant to the instant appeal. Indeed, the last transcript was delivered to my law office while I was hospitalized in May 2016. (A copy of the cover pages for that transcript is attached hereto and incorporated herein by reference.) Because of my illness and resulting incapacity, I did not advise Court of Appeals that I possessed the hearing transcripts.
9. Opposing counsel e-mailed me on June 15 a letter from the Court of Appeals dated May 18 requesting that I provide the Court with a copy of Appellants' request for a hearing transcript. The May 18 letter obviously arrived while I was hospitalized in intensive care, so the first time I saw it was via counsel's June 15 e-mail. The next day, as indicated above, the Court's Clerk apparently mailed the Order of Dismissal.
10. Respectfully, on behalf of Appellants, I request that the Court of Appeals vacate the Clerk's Order dismissing the instant appeal; under Rule 240(b), SCACR, immediately stay time limits and deadlines, and suspend time limits and deadlines for a reasonable time; and reinstate the appeal because of my ongoing illness and recovery.
11. As counsel for Appellants, I certify that they and I have no intent to delay this appeal or these proceedings by seeking the relief requested in the attached Motion. To the

contrary, the need for the relief sought herein is warranted by my ongoing emergent medical necessity and, hence, unavoidable.

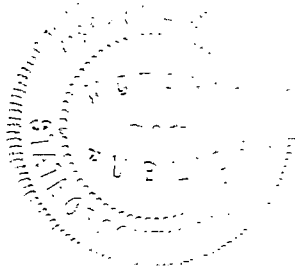


DOUGLAS K. KOTTI

SWORN AND SUBSCRIBED BEFORE ME
THIS 27th DAY OF JUNE 2016



NOTARY PUBLIC FOR SOUTH CAROLINA
My Commission expires: 2-26-26



STATE OF SOUTH CAROLINA)	COURT OF COMMON PLEAS
)	
COUNTY OF LEXINGTON)	C/A No. 2008-CP-32-3594
)	
Deutsche National Bank)	
Trust Company,)	
)	
Plaintiff,)	
)	
v.)	
)	
Steven Sharpe, et al.,)	
)	
)	
Defendants.)	
-----)	

COPY

HEARING

Friday, April 29, 2016
 9:08 a.m. - 9:36 a.m.

The hearing before the Honorable James O. Spence, Master-In-Equity for Lexington County, was taken at 205 East Main Street, Lexington, South Carolina on the 29th day of April, 2016 before Barbara S. Ham, Court Reporter and Notary Public in and for the State of South Carolina.



CREEL COURT REPORTING, INC.
 1230 Richland Street / Columbia, SC 29201
 (803) 252-3445 / (800) 822-0896

APPEARANCES

Charles S. Gwynne, Jr., Esquire
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Columbia, South Carolina 29201
Attorney for the Plaintiff

Douglas K. Kotti, Esquire
6326 St. Andrews Road
Columbia, South Carolina 29212
Attorney for the Defendants

Also Present:
Steven Sharpe

INDEX

Certificate 27

EXHIBITS

(There were no exhibits marked during the hearing.)



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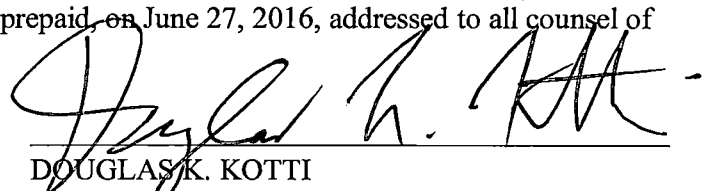
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acting by and through its agent, Internal Revenue Service;
The State of South Carolina Department of Revenue,
Of whom: **Steven E. Sharpe and Sherry L. Sharpe are**
Appellants.

Appellants.

PROOF OF SERVICE

I certify that I have served the Motion to Reinstate Appeal and Stay Time Limits on Respondent, and on the other parties Defendant in the lower court, by depositing a copy of the Motion in the United States Mail, postage prepaid, on June 27, 2016, addressed to all counsel of record enumerated *infra*.

June 27, 2016



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June 27, 2016
The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Re: *Deutsche Bank National Trust Co. v. Steven E. Sharpe and Sherry L. Sharpe, et al.*
Case No. (lower court): 2008-CP-32-3594

Dear Ms. Kitchings:

Enclosed for filing please find the original and six copies of Appellants' Motion to Reinstate Appeal and Stay Time Limits, the original proof of service, and a filing fee of \$25.00.

Thank you for your service and cooperation and that of your staff.

With kindest regards, I am
Very truly yours,



DOUGLAS K. KOTTI

Enclosures

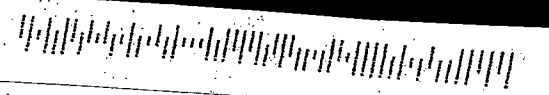
cc:

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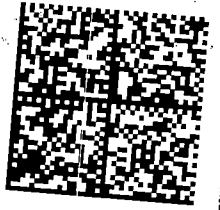
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