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SC SUPREME COURT

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT
On Writ of Certorari from The Court of Appeals, Affirmed
Appeal from Court of Common Pleas

Case number 2008-CP-23-5245

App.case no 2015-001836; 2009-141246; Court of Appeals no 2015-UP-031,
submitted Nov. 1, 2014

NOTICE OF MOTION AND MOTION FOR EXTENSION TO FILE RESPONDENT BRIEF

Blue Ridge Electrical Cooperative, Inc.,

Petitioner,

-vs-

Kathleen Jennings-Gresham,

Respondent.

Now, comes the Respondent, who gives notice and makes motion for an extension of time in which to file her Responsive Brief necessitated by the issuance of said Writ and due to Order of Judge John Few, when of Circuit Court position, previously referenced in packet duly submitted as to related Motions, notice duly given, as to Extentions.

1. Respondent is out of State on scheduled personal matters, including medical and as to son's educational life, and with limited to no access to office facilities, computer access, and ability to adequately reply to this Court or to Petitioner;
2. Respondent extended extensive personal efforts and expense to make timely motions prior to out of state flights. such having been received by Petitioner and by this Court;
3. At no time, either currently or historically, has Respondent failed to comply with deadlines or purposefully delayed any aspect of this case, even if the Court ejected her previous brief(s) with

extensive trial transcript attachments, as being more detailed than appreciated, perfering form over valuable substance;

4. This case has posed significant hardships on Respondent and her family for over nine (9) years, disrupting life, peace, family farm existance, causing financial hardship, and stress and continues to do so, including this matter at hand when Respondent should be totally focused on health management of her family and education course of her only living child;

5. Respondent is now responding as best she can to this Court even with significant hardships;

6. Respondent seeks as much delay, up to 20 - 30 days in which to prepare responsive Brief in this case, which was adjudicated by a fair and inpartial jury of 12 members in Greenville County Court of Common Pleas in 2008, unanimous jury verdict fully in favor of this Respondent after a 3-day jury trial with all issues steadfastly presented, adjudicated in their entirety, with full participation by Petitioner with all their legal counsel, associates, witnesses, and exhibits, presented.

7. That there exists NO emergency issue as to this long-labored case, as all matters were fully presented at said jury trial in open court, heard, ruled upon, adjudicated, decided, fully appealed, and again, decided. That any "pretend" emergency issue urged by Petitioner is "pretend," and offers no new legal agrument rising to the critical level for such a Writ OR rising to this requested extension request of Respondent. made in good faith, without purposeful nefarious purpose or for intentional reason of delay;

8. That, in fact, any delay in this case has been primarily caused by the destruction, carelessness, and failure of the appointed trial court reporter, whose initials are believed to be "M DiG," and her prolonged failure to so inform the Appellate Court and/or even failure to inform the trial judge. In fact, it further appears that the Trial Judge failed to see to the protection daily or continuing of the official trial transcript, recordings, record as within his duty and also likely contributed to the delays in this matter. That none of the delays were the purposeful act(s) of Respondent and that she should not be penalized or attacked for same, or penalized now for any fictionous, imagined delays urged by Petitioner, who fully and completed litigated this matter and should not be able to have "another bite at the apple," in that Petitioner does not like the just results of the Jury's unanimous Verdict in favor of Respondent;

9. That the interests of Justice demands that a finality be as to such matters and that this case has been finally decided, and through Appeal to the Court of Appeals, judgement upheld;

10. That the offending non-power pole belonging to Petitioner, exists outside the right-of-way of the State and trespasses on the long-held, over 36 years, property of Respondent, and serves NO ONE, carries NO power, was purely a support pole placed without permission of this Landowner/Respondent, impedes her just use and enjoyment; causes a daily trespass; was erected purely as convenience for Petitioner, AND purely as speculative venture to a speculative development to which Petitioner hoped to make more money, obviously at the expense of this Respondent. Said speculative development did NOT occur and the offending support pole and

extensive guy wires, continue to exist on Respondent's private property, testimony of which was duly presented, ruled upon, adjudicated, and decided by Jury after full presentation of facts, including active, aggressive participation by Petitioner and its team of lawyers and witnesses.

11. That in failing of other Motions made in good faith by Respondent currently before this Court, Respondent seeks a reasonable 20-30 day responsive Brief extension, not requested for any reasons of delay, but as she is unavailable, out of state, away from trial briefs, computer internet aside as begged and borrowed at the inconvenience of others, including nursing staff, whose duties are not linked in any way to this appeal or matter; focuses her attention to this long-lingering and long-decided case of over 8 years in duration, excluding the time of threats of such law suit by Petitioner, or cutting off of her power and paid-for services, paid monthly for over 36 years without fail to her own Electrical Cooperative, the Petitioner. That such extension harms no one, no entity, and in fact, only harms Respondent who is forced to again contend with this unjust matter, which has been fully previously and long adjudicated with verdict to her/Respondent.

12. That Respondent has always operated in conscientious good faith in this matter at great personal sacrifice, upholding the integrity of this Court and of her own, and been unjustly characterized by the very Court which she has endeavored to serve to the best of her ability. That this Writ was unfairly and erroneously presented and urged by Petitioner, unhappy with the result of the extensive, lawful proceedings in which they fully participated and even, directed. That any short delay for Respondent to once again, respond to their incorrect analysis brings them absolutely NO harm. That, in fact, Petitioner, is an "employee" in company standing of the Cooperative in which Respondent herself is a paying, long-standing member of some 36 years in duration, thusly also paying for the extensive fees, charges, retainers, legal fees, and costs associated with this Appeal and Writ, to her dismay. That Respondent proceeds pro se as unable to pay for expensive legal fees and counsel.

13. That Respondent will face continued economic hardship if brief extension is not granted, failing the pending motions still urged by Respondent, due to out of state commitments, personal and family hardships, and continued hardships on her family, and on herself, with consequences surely unintended by this Court;

14. That the Court should consider the interest of fairness, above any form, in the service to the People of South Carolina, who employ them, and in flexibility to justice above all, especially in light of the significance of a just jury verdict, reached unanimously by a fair, impartial jury chosen by the parties in open court after extensive voir dire, after full introduction of evidence, testimony, and argument, with only the argument of Respondent having been refused at the last minute without prior notice, in fact, contradicting the trial judge's earlier ruling and decision, impacting Respondent, not Petitioner. (Trial judge had ruled earlier to allow Punitive Damages sought and long pled by Respondent at the trial and at closing argument, but refused and reversed his ruling, just prior to closing statement of Respondent on the last of 3 jury trial days, surprising and disrupting Respondent's case, which had been underway for several years and long known to Petitioner). Thus, the only harm occurring herein was to Respondent, presenting no difficulty to

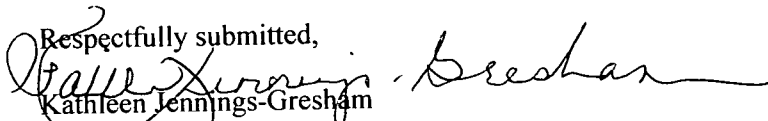
Petitioner, who had not even, as remembered by Respondent, posed objection to such issue at trial. The Trial Judge raised such issue on his own, after what Respondent believes was change of decision overnight prior to the last day of jury trial and scheduled final argument and jury deliberation.

15. That this Motion is not made for any purposes of delay, as set forth herein, and is just and good-faith made and sought. That the referenced Opinion of Judge Few, when on the trial bench in this Circuit, was made unfairly, without knowledge of true facts, was biased against Respondent, placed her in bad light, unduely attacked her, failed to recognize the Court's own failings and those of the appointed Court reporter, failed to address the failures therein placing blame instead on Respondent; and failed to penalize the misdeeds of Petitioner and the frivolous proceedings to which he and others had a duty to raise. That such Order then, should be abandoned in this regard, and Respondent's characterization, justly removed.

16. That Respondent should be granted this extension, and that other pending Motions, reiterated herein, also be Granted as just and necessary to preserve the sanctity and honor of this Court and its good-faith citizens and long-standing, life-long residents.

Respondent, thus, duly MOVES.

Respectfully submitted,


Kathleen Jennings-Gresham

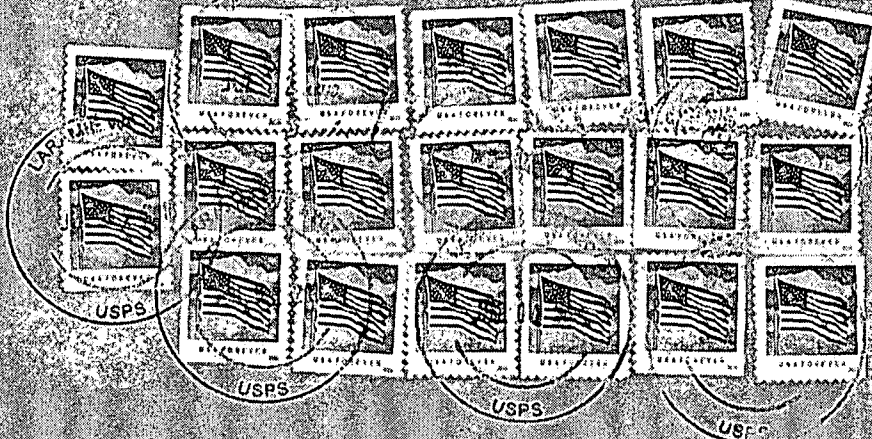
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