

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM LEXINGTON COUNTY
COURT OF COMMON PLEAS
TANYA A. GEE, CIRCUIT COURT JUDGE

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SEP 28 2016

SC Court of Appeals

APPELLATE CASE NO. 2016-000068
CIVIL ACTION NO. 2015-CP-32-00170

Joseph W. Owens,

APPELLANT,

v.

Temus C. Miles, Jr., B.J. Unthank,
L. Dale Harley, Boyd J. Jones,
Tommy G. Parler, Eric L. Fowler,
Dennis Tyndall, Ashley S. Hunter
And McKay Public Affairs, LLC,

DEFENDANTS,

Of Whom Temus C. Miles, Jr., B.J.
Unthank, L. Dale Harley, Boyd J.
Jones, Tommy G. Parler, Eric L.
Fowler and Dennis Tyndall are

RESPONDENTS.

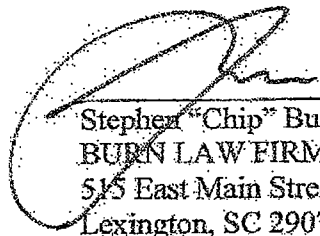
MOTION FOR STAY OF DEADLINES

The Record on Appeal in the above-captioned matter was originally due on August 30, 2016. Mediation of this case took place, however, on August 25, 2016, and Appellant believed at that time all parties had succeeded in settling the issues involved in this case. Based upon that belief, Appellant's counsel mailed correspondence to the Clerk for the South Carolina Court of Appeals dated August 26, 2016 requesting a Stay on all deadlines in the appellate case until settlement could be finalized. By way of correspondence dated September 1, 2016, the Clerk's office responded that a motion

would be required. It was Appellant's belief, however, that the parties, working in good faith, would have executed a release and signed a stipulation of dismissal before such a motion would have time for consideration.

Since that time, unfortunately, one of the Defendants (not one of the Respondents) has balked at signing the release as originally drafted and filed a Notice of Discharge on September 9, 2016 discharging her attorney effective August 25, 2016 (the day before the mediation in which he fully participated). These developments have necessitated renegotiation of various terms and a redrafting of the settlement documents. While I believe the parties are very close to finalizing settlement and dismissal of this case, out of an abundance of caution, Appellant's counsel now feels compelled by these recent developments to move for the stay as originally requested.

Therefore, pursuant to Rule 240 of the South Carolina Appellate Court Rules, Appellant moves that all deadlines in the above-captioned matter be stayed until such time as these issues regarding settlement can be resolved, and that the effective date of this motion relate back to the date of the original request, August 26, 2016.



Stephen "Chip" Burn
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515 East Main Street
Lexington, SC 29072
(803) 358-7220
ATTORNEY FOR APPELLANT

September 28, 2016.



BURN
LAW FIRM, LLC

Stephen "Chip" Burn
cburn@burnlawfirmllc.com

September 28, 2016

VIA FACSIMILE and FIRST CLASS MAIL

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

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SC Court of Appeals

Re: Joseph W. Owens v. Temus C. Miles, Jr., et al.
Appellate Case No. 2016-00068

Dear Ms. Kitchings:

Please find enclosed the Motion for Stay of Deadlines in the above-mentioned case.

Thank you for your assistance in this matter. Please feel free to contact me should you have any questions or concerns.

With kindest regards,

Stephen "Chip" Burn, Esquire

Enclosed

cc: David A. Anderson, Esquire (via email)
Carmen V. Garjehsani, Esquire (via email)

FAX COVER SHEET

TO	Jenny A. Kitchings, Clerk of Court
COMPANY	South Carolina Court of Appeals
FAXNUMBER	18037341839
FROM	Stephen Burn
DATE	2016-09-28 18:08:04 GMT
RE	Joseph W. Owens v. Temus C. Miles, Jr., et al.

COVER MESSAGE

Appellate Case No. 2016-00068

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