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THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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

James O. Spence, Master-in-Equity

**RECEIVED**  
OCT 17 2016  
SC Court of Appeals

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 FOR EXTENSION**

Appellants Steven and Sherry Sharpe hereby respectfully move for an extension to file Appellants' Initial Brief and Designation of Matter for a reasonable time because of counsel's recent hospitalizations and ongoing recovery from serious illnesses, 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. By Order of the Court of Appeals issued in the instant case, the deadline for filing Appellants' Initial Brief was set at October 11, 2016; and extended by operation of the Supreme Court Order # 2016-10-10-01 issued October 10, 2016,<sup>1</sup> under Rule 263, SCACR, to October 17, 2016.<sup>2</sup>
3. Undersigned counsel has been seriously ill, was hospitalized for three weeks in May 2016, and devoted the ensuing four months, upon physicians' advice and directives, to convalescence and recovery at home, unable to work.
4. On September 9, 2016, following a routine blood test and some recurring issues of fatigue and weakness, undersigned counsel for Appellants was hospitalized on an emergency basis and placed in intensive care. Counsel received a blood transfusion over several days, and underwent surgery on September 12 to determine the cause of blood loss and cause of internal bleeding. He continues to recover from this most recent emergency. The diagnosis was a massive gastric ulcer which continues to bleed, albeit at a reduced rate, which is leaving him weak and fatigued.
5. 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. On September 20 and October 13, 2016, he travelled to the Medical University of South Carolina for consultations with a hepatologist and for tests. He also consulted with a local gastroenterologist on September 26 about his liver condition and his newly discovered gastric ulcer.

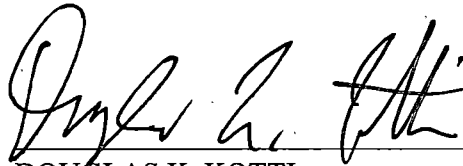
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<sup>1</sup> <http://www.judicial.state.sc.us/whatsnew/displayWhatsNew.cfm?indexId=2154>

<sup>2</sup> "[T]his Court finds it appropriate to declare the days of Wednesday, October 5, 2016, though Friday, October 14, 2016, to be statewide "holidays" for the purposes of computing time under Rule 263 of the South Carolina Appellate Court Rules, ..." (Footnotes omitted.)

6. On October 5, 2016, undersigned counsel returned to the emergency room at his local hospital where he was treated for internal bleeding and blood loss, and released after several hours.
7. Undersigned counsel is recovering and improving, and intends to heed the advice and directives of his physicians.
8. The facts warranting this Motion as stated herein are verified and corroborated by the attached affidavit of undersigned counsel.
9. Undersigned obtained copies of all relevant hearing transcripts from proceedings in the lower court; there are no transcripts to order or request.
10. Counsel hereby certifies that this Motion is not an attempt to delay unduly the instant appeal. Instead, as explained in the attached affidavit, counsel for Appellants respectfully states that the bases of this Motion are grounded in the facts and are valid justification for the relief sought.

October 17, 2016



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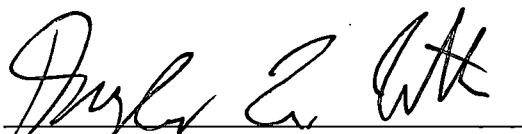
DOUGLAS K. KOTTI  
6326 St. Andrews Road  
Columbia, SC 29212  
(803) 772-0662 / FAX: (803) 772-0369  
E-MAIL: dkotti.law@gmail.com  
Attorney for Appellants Steven and Sherry Sharpe

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

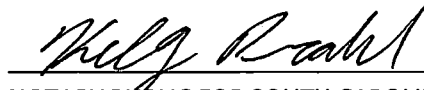
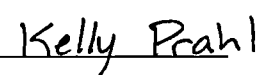
DOUGLAS K. KOTTI, being duly sworn, deposes and says as follows.

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. Duly sworn and under oath, I hereby verify the factual statements set forth the attached Motion for Extension as true and accurate.
3. As described in a prior affidavit filed with this Court, I have been beset with acute serious medical crises beginning in March 2015, with two more maladies discovered during the past five months. (In an affidavit filed with this Court in June 2016, I described some of those crises.)
4. As corroboration of my September 2016 hospitalization and surgery, please see the attached copy of the hospital discharge information; and of the September 20 and October 14 consultations and tests at MUSC in Charleston attached are copies of the summary issued by MUSC on September 20, and my patient MUSC wrist band from October 14; and of the October 5 emergency room visit discharge summary and Palmetto Health wrist band. (Please note that respectfully, I redacted some personal and sensitive medical information from the summaries.)

5. In wake of hospitalization in September 2016 and discovery of a "massive" gastric ulcer, internal bleeding is ongoing but decreasing. My physicians have directed me to heed symptoms of bleeding and to avoid overexerting until the internal bleeding is completely abated.
6. 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 17 DAY OF OCTOBER 2016

   
\_\_\_\_\_  
NOTARY PUBLIC FOR SOUTH CAROLINA  
My Commission expires: 8/30/2020

*Patient Summary*

**Palmetto Health**  
Baptist Richland Parkridge

**Name:**KOTTI, DOUGLAS KOSTA **Current Date:**09/15/16 10:43:29  
**DOB:**12/25/1955 12:00 AM **MRN:**D000540692 **FIN:**D1625303184  
**Visit Date:**9/09/2016 9:31 PM

The following includes your discharge instructions, follow-up instructions, patient education materials, and information regarding your hospital stay.

*Our Vision: To be remembered by each patient as providing the care and compassion we want for our families and ourselves.*

**Patient Follow-Up:**

<b>With:</b>	<b>Address:</b>	<b>When:</b>
Jay [REDACTED]	[REDACTED] ASSOCIATES, PA, PHQC, [REDACTED] [REDACTED] WEST COLUMBIA, SC 29169 (803) [REDACTED] Business (1)	Within 2 to 4 weeks

<b>With:</b>	<b>Address:</b>	<b>When:</b>
Anthony [REDACTED]	[REDACTED] [REDACTED] [REDACTED], PALMETTO HEALTH QUALITY COLLABORATIVE, [REDACTED] [REDACTED] COLUMBIA, SC 29204 (803) [REDACTED] Business (1)	Within 4 to 6 weeks

**Comments:**

appointment with nurse practioner



**Disclaimer**

Visit Summary

This document contains confidential information intended only for the use of the individual to which it is addressed and may contain information that is privileged, confidential, and exempt from disclosure. Your name is abbreviated above to protect your confidential information. If you have any questions about the information below, please contact your care team.

The information below can also be found by logging into MyChart. MyChart provides online access to your health care team and medical information. If you do not have a MyChart account please see the last page of this document sign up instructions.

**Today's Visit**

Date	Department	Provider	Location	Phone
Sep 20, 2016	Gastroenterology at Ashley River Tower	[REDACTED] MSCR	25 Courtenay Drive, 2nd Floor Ashley River Tower Charleston, SC 29425	843-[REDACTED]

**Vital Signs**

Blood Pressure	Pulse	Height	Weight	BMI	Smoking Status
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	Never Smoker

**Allergies as of 9/20/2016**

No Known Allergies

**Diagnoses this Visit**

- Other ascites - Primary
- Portal hypertension
- S/P percutaneous endoscopic gastrostomy (PEG) tube placement

**Immunizations Administered on Date of Encounter - 9/20/2016**

None

**Next 5 Appointments scheduled for you, login to MyChart for full list**

Date/Time	Provider	Department	Dept Phone
10/14/2016 11:00 AM (Arrive by 10:45 AM)	CCPOR3	MUSC ART US IMAGING	843-792-9729
12/20/2016 11:00 AM (Arrive by 10:30 AM)	[REDACTED] MD MSCR	Gastroenterology at Ashley River Tower	843-792-6982

**Things For You To Do (These Tests need to be completed between the "Order Opens" and "Order Expires" Dates)**

Order

## Physician's Discharge Summary

**Name:** KOTTI, DOUGLAS K

**DOB:** 12/25/55

**MRN:** [REDACTED]

**Visit Date:** 10/05/16 16:05:00

**FIN/Acct. Number:** [REDACTED]

**Current Date:** 10/05/16 18:13:12

**Address:** 116 SPARTAN DRIVE COLUMBIA SC 29212

**Phone:** (803)772-5433

### Primary Care Provider:

**Name:** Markowitz MD, Jay M, Physician - Hospitalist    **Phone:** (803) 794-3320

Palmetto Health would like to thank you for allowing us to assist you with your healthcare needs. The following includes patient education materials and information regarding your injury/illness.

I understand that the emergency care which I received is not intended to be complete and definitive medical care and treatment. I acknowledge that I have been instructed to contact the above physician immediately for continued and complete medical diagnosis, care and treatment. EKG's, X-rays, and lab studies will be reviewed by appropriate specialists and I will be notified of significant discrepancies. I also understand that my signature authorizes this Medical Center to release all or and part of my medical record (including, if applicable, information pertaining to AIDS and/or HIV testing, mental health records, and drug and/or alcohol treatment) to the referred physician listed above.

HEALTH PALMETTO



KOTTI, DOUGLAS K  
D [REDACTED] EMS, EMS  
12/23/1955 60Y M



THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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

James O. Spence, Master-in-Equity

Case No. 2008-CP-32-3594

Deutsche Bank National Trust Company,

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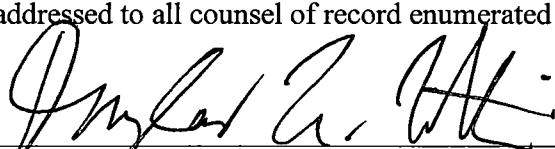
Steven E. Sharpe; Sherry L. Sharpe; The United States of America  
acting by and through its agent, Internal Revenue Service;  
The State of South Carolina Department of Revenue,  
Of whom: **Steven E. Sharpe and Sherry L. Sharpe are**  
**Appellants.**

Appellants.

**PROOF OF SERVICE**

I certify that I have served the Motion for Extension 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 October 17, 2016, addressed to all counsel of record enumerated *infra*.

October 17, 2016

  
\_\_\_\_\_  
DOUGLAS K. KOTTI  
6326 St. Andrews Road  
Columbia, SC 29212

(803) 772-0662 / FAX: (803) 772-0369

E-MAIL: dkotti.law@gmail.com

Attorney for Appellants Steven and Sherry Sharpe

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Other Counsel of Record:

Charlie S. Gwynne, Jr.  
P.O. Box 100200  
Columbia, SC 29202  
Attorney for Respondent Deutsche Bank National Trust Co.  
(803-771-7900)

Ronald W. Urban  
S.C. Department of Revenue  
Office of General Counsel for Litigation  
P.O. Box 12265  
Columbia, SC 29211

Matthew J. Modica  
Assistant U.S. Attorney  
United States Attorney's Office  
151 Meeting Street, Suite 200  
Charleston, SC 29401

J. Douglas Barnett  
Assistant U.S. Attorney  
United States Attorney's Office, Suite 500  
Columbia, SC 29201

1441 Main St.

DOUGLAS K. KOTTI  
*Attorney and Counselor at Law*  
6326 St. Andrews Road  
Columbia, South Carolina 29212

OFFICE: (803) 772-0662

FAX: (803) 772-0369

E-MAIL: dkotti.law@gmail.com

October 17, 2016  
The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

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SC Court of Appeals

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 for Extension to file the initial brief and designation of matter, 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:

Charlie S. Gwynne, Jr.  
P.O. Box 100200  
Columbia, SC 29202

J. Douglas Barnett  
Assistant U.S. Attorney  
United States Attorney's Office, Suite 500  
Columbia, SC 29201

Ronald W. Urban  
S.C. Department of Revenue  
Office of General Counsel for Litigation  
P.O. Box 12265  
Columbia, SC 29211

Matthew J. Modica  
Assistant U.S. Attorney  
United States Attorney's Office  
151 Meeting Street, Suite 200  
Charleston, SC 29401

J