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SC Court of Appeals

The Supreme Court of South Carolina

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November 14, 2016

Jay Anthony Mullinax, Esquire
2 Park Lane, Ste. 303
Hilton Head Island SC 29928

Re: IN RE: Estate of Valerie D'Agostino
Appellate Case No. 2016-002226

Dear Counsel:

This Court has received your petition for a writ of certiorari and appendix to review the South Carolina Court of Appeals decision in this case.¹ This matter has been assigned the appellate case number that appears above. Please use this number on all future correspondence relating to this matter.

All parties to this matter are advised that all filings must comply with the requirements of Rule 267 of the South Carolina Appellate Court Rules (SCACR). The SCACR are available online at www.sccourts.org/courtreg. Additionally, any filings submitted by counsel admitted in South Carolina must include counsel's bar number.


The attention of the parties is directed to the order relating to the inclusion of personal data identifiers and other sensitive information in documents filed with the Supreme Court of South Carolina and the South Carolina Court of Appeals. The order can be found at www.sccourts.org/courtOrders/displayOrder.cfm?orderNo=2014-04-15-02. Please note that the responsibility for insuring that information is redacted or sealed as

¹ Before the Court of Appeals, the Appellate Case Number was 2014-002249.

required by this order rests with counsel and the parties. This office will not review filings for redaction or to determine if materials should be sealed.

The Court of Appeals denied the petition for rehearing in this matter on September 23, 2016. Therefore, the petition for a writ of certiorari had to be served and filed by October 24, 2016. Rule 242(c), SCACR. Since the petition was not served and filed until November 2, 2016, it will necessary for you to make a motion to allow the late filing of the petition in this case.² This motion should be served and filed within ten (10) days of the date of this letter.

Very truly yours,



CLERK

cc: James Ashley Twombly, Esquire
The Honorable Jenny Kitchings

² I am aware that you believe that this Court's order of October 10, 2016, relating to Hurricane Matthew, granted a ten day extension to this time period, making the petition timely under the rule.

The order of October 10, 2016, did not grant an extension of any time period. Instead, it declared the days of Wednesday, October 5, 2016, though Friday, October 14, 2016, to be statewide "holidays" for the purposes of computing time. Therefore, for any time period under the SCACR of more than seven days, this have the effect of preventing the last day of that period from failing on October 4 through October 17, 2016 (October 15 and 16, 2016, was a Saturday and Sunday; October 17, 2016, was a federal holiday). Rule 263(b), SCACR ("In computing any period of time prescribed or allowed by these Rules, by order of court, or by any applicable statute, the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday or a state or federal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor such holiday" (emphasis added)).

Since the last day of the thirty days to serve and file the petition for a writ of certiorari in this case did not fall during the period October 5 through October 17, 2016, it does not appear to me that the order of October 10, 2016, has any applicability to this matter.