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THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM GREENVILLE COUNTY
COURT OF COMMON PLEAS

2014-CP-23-03197

Letitia H. Verdin, Circuit Court Judge

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FEB 02 2017

SC Court of Appeals

Appellate Case No. 2016-001425

Natasha Turner

Respondent/Appellant

v.

Michael T. Kellett and Carmen Kellett

Appellants/Respondents

MOTION FOR LEAVE OF COURT TO FILE INITIAL BRIEFS

The undersigned Attorney for the Respondent/Appellant does hereby move for leave of this Court to file Appellant's Initial Brief of the Respondent-Appellant and Respondent's Brief of the Respondent-Appellant out of the time limits prescribed by Rule 208, SCACR. The grounds for such motion are the following:

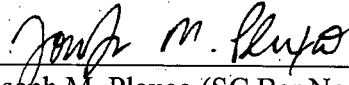
1. On July 7, 2016, Appellant Natasha Turner ("Turner") served her Notice of Appeal on the Appellants/Respondents, (the "Kelletts"). The Kelletts had previously filed their Notice of Appeal, and thus Turner's Notice of Appeal initiated a cross-appeal.
2. On December 21, 2016, Turner served the Kelletts with her Designation of the Matter to be Included on the Record on Appeal and her brief, which was styled as "Initial Brief of the Re-

spondent.” In that brief, Turner set forth her replies to the arguments contained in the Kelletts’ Initial Brief, as well as set forth her own issues on appeal.

3. It has become to the attention of Turner and her attorneys that under the SCACR Rules, they were required to serve and submit two separate initial briefs instead of the one brief they have served on the Kelletts and the Court. That is, they now understand that they should have filed (1) Appellant’s Initial Brief of the Respondent-Appellant (for Turner’s own issues on appeal), and (2) Respondent’s Initial Brief of the Respondent-Appellant (setting forth Turner’s response(s) to the Kellett’s initial brief.)
4. Turner and her attorneys argue that the South Carolina Appellate Rules concerning the procedural requirements for the filing of a cross appeal are, at the least, vague and ambiguous. Giving ample consideration and research into the requirements concerning the brief of a cross-appellant and the Rules of 203(c) and 208, SCACR, both Turner’s attorneys were under the impression that including Turner’s issues on appeal, along with her responses to the Kellett’s Initial Brief, were appropriately contained in the one single brief.
5. There has been no prejudice to the Kelletts, as they have been put on clear notice of the issues Turner appeals, as well as Turner’s responses to the issues contained in the Kellett’s Initial Brief, by and through all the documents thus far filed and served, including but not limited to Turner’s Initial Brief and her Designation of Matter to be Included in the Record of Appeal.
6. Turner’s attorneys have committed a great amount of time to their cross appeal, and in fact, the Record on Appeal was just recently served on the parties as well as the Court.

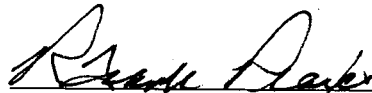
7. For the above reasons, Turner respectfully requests that she be granted a leave of the Court to file her Appellant's Initial Brief of the Respondent-Appellant and her Respondent's Initial Brief of the Respondent-Appellant, both of which are submitted herewith this motion.

Respectfully submitted:



Joseph M. Plaxco (SC Bar No. 100975)
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- and -



R. Frank Plaxco (SC Bar No. 4476)
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January 31, 2017
Greenville, South Carolina

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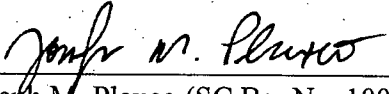
PROOF OF SERVICE BY MAIL

I hereby certify that on the 1st day of February, 2017, I served a copy of the Respondent-Appellant's Motion for Leave of Court to File Initial briefs, to the Appellants-Respondents, Michael T. Kellett and Carmen Kellett, by mailing it to their attorney of record, Clifford F. Gaddy, Jr., by depositing it in the U.S. mail, in an envelope with sufficient postage affixed, addressed as follows:

Clifford F. Gaddy, Jr.
408 N. Church St., Suite B
Greenville, SC 29601

I do further certify that on February 1, 2017, I placed the original and seven (7) copies
(one to be returned) of said Motion in the U.S. mail, with sufficient postage addressed to:

Hon. Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211



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February 1, 2016

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SC Court of Appeals

**Re: Michael T. Kellett and Carmen Kellett, Appellants-Respondents, v. Natasha Turner, Respondent-Appellant
Appellate Case No. 2016-001425**

Dear Ms. Kitchings,

In connection with the above referenced appeal, please find enclosed the following:

1. The original and seven (7) copies of the Respondent-Appellant's Motion for leave of Court to File Initial Briefs;
2. The Appellant's Initial Brief of the Respondent-Appellant, along with one (1) copy;
3. The Respondent's Initial Brief of the Respondent-Appellant, along with one (1) copy;
4. Proof of Service by Mail (Initial Briefs), along with one (1) copy;
5. Proof of Service by Mail (Motion), along with one (1) copy; and
6. This firm's check in the amount of \$25.00 for Motion filing fee.

It would be greatly appreciated if you would send one clocked copy of each document filed back to me in the self-addressed stamped return envelope enclosed.

By copy of this letter, I am hereby serving Mr. Clifford Gaddy, attorney for Mr. and Mrs. Kellett, with the same.

Should you have any questions, please let me know.

Hon. Jenny Abbott Kitchings
February 1, 2017
Page 2 of 2

Sincerely,

JOSEPH M. PLAXCO, LLC

A handwritten signature in black ink, appearing to read "Joseph M. Plaxco". The signature is written in a cursive style with a large initial "J" and "P".

Joseph M. Plaxco

JMP

Enclosures

cc: Mr. Clifford F. Gaddy, Jr. (via mail)