

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

APPEAL FROM FLORENCE COUNTY
In the Court of Common Pleas

JUN 28 2017

The Honorable Craig D. Brown, Presiding Judge

SC Court of Appeals

Appellate Case No. 2015-001941

Elizabeth J. Langley.....Appellant,

v.

Wendy J. Lynch, Rebecca M. Lynch, James M. Lynch, II, Donald Jordon, III, Jimmy White and
S. Porter Stewart, II, as Personal Representative of the Estate of James M. Lynch,

Of Whom Wendy J. Lynch is theRespondent.

REPLY IN SUPPORT OF MOTION TO RECALL REMITTITUR

On June 21, 2017, Respondent filed her response confirming no opposition to counsel's motion to be relieved but opposing Appellant's Motion to Recall the Remittitur. Appellant submits this Reply pursuant to Rule 240 (f).

Respondent opposes the Motion to Recall on the basis that Appellant failed to "timely" file substitute counsel or somehow seek an extension or other relief. Of course, there is no deadline specified in Rule 264, SCACR, for the filing of a motion for substitution of counsel. And nothing prohibits the Court, in the interest of justice, from recalling the remittitur to now consider the Motion to Relieve Counsel and provide that relief effective June 8, 2017.

The only applicable deadline was the deadline for Petitioning for Rehearing (June 8, 2017) which is a firm deadline for the Court's receipt of such a petition (SCACR 221(a)).

Appellant did timely file her Petition for Rehearing if this Court will recall the remittitur and order counsel relieved effective June 8, 2017 – when Appellant acted *pro se*.

While it is true that Appellant did not file a motion to relieve counsel simultaneous with her Petition for Rehearing, her counsel was unaware of Appellant's intent to file her *pro se* Petition as Appellant had consulted with other possible attorneys and the undersigned believed such counsel had been engaged on or before June 8, 2017. In any event, the undersigned continues to believe it in the interest of justice to recall the remittitur so that the previously unknown but timely filed *pro se* Petition for Rehearing might be considered on its own merits.

TURNER PADGET GRAHAM & LANEY, PA

By: 

J. Rene Josey, Esquire, S.C. Bar #3230
Post Office Box 5478
Florence, South Carolina 29502
JJosey@TurnerPadget.com
(843) 662-9008
(843) 667-0828 fax

ATTORNEYS FOR APPELLANT

June 27, 2017
Florence, South Carolina

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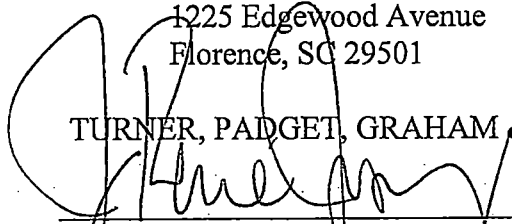
Of Whom Wendy J. Lynch is theRespondent.

PROOF OF SERVICE

I certify this 27th day of June 2017 that I have served copies of the REPLY IN
SUPPORT OF MOTION TO RECALL REMITTITUR by mailing same, postage prepaid in the
United States mail, addressed to the following:

Joseph M. McCulloch, Jr., Esquire
Kathy R. Schillaci, Esquire
Post Office Box 11623
Columbia, SC 29211

Elizabeth J. Langley
1225 Edgewood Avenue
Florence, SC 29501


TURNER, PADGET, GRAHAM & LANEY, P.A.

June 27, 2017

J. René Josey, Esquire, S.C. Bar #3230
Post Office Box 5478
Florence, South Carolina 29502-5478
Phone: (843) 662-9008
Fax: (843) 667-0828
Email: JJosey@TurnerPadget.com

ATTORNEYS FOR APPELLANT

Turner | Padget

J. René Josey

E-mail: RJosey@TurnerPadget.com

Writer's Direct Dial: (843) 656-4451

Writer's Direct Fax: (843) 413-5818

June 27, 2017

The Honorable Jenny Abbott Kitchings, Clerk
South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201

RECEIVED

JUN 28 2017

Re: Elizabeth J. Langley v. Wendy J. Lynch, et al. SC Court of Appeals
Appellate Case No.: 2015-001941
File No.: 13799.101

Dear Ms. Kitchings:

Enclosed please find the originals and seven copies each of the Reply in Support of The Motion To Recall Remittitur regarding the above-referenced matter. Also enclosed are the original and one copy of the Proof of Service. Please file the original documents and return clocked copies to me via the enclosed self-addressed envelope. Thank you for your assistance with this matter, and please contact me if you have any questions.

With kind regards, I am

Very truly yours,

TURNER, PADGET, GRAHAM & LANEY, P.A.

J. René Josey

JRJ/cl

Enclosures

cc: Elizabeth J. Langley
Joseph M. McCulloch, Jr., Esquire
Kathy R. Schillaci, Esquire
(w/enc.)

Hasler

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06/27/2017

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TURNER PADGET

TURNER PADGET GRAHAM & LANEY PA.

P. O. Box 5478
Florence, South Carolina 29502

13799.101

The Honorable Jenny Abbott Kitchings,
Clerk
South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201

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