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JUL 18 2017

SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM FLORENCE COUNTY  
Court of Common Pleas

Honorable Craig D. Brown, Presiding Judge

Appellate Case No. 2015-001941

Elizabeth J. Iangley .....Appellant

v.

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

Of whom Wendy J. Lynch is this.....Respondent.

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MOTION FOR AN EXTENSION OF TIME

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Mr. Josey left me in the midst of an appeal on June 1, 2017, causing extreme prejudice to my case. Due to this reason and reasons below, I'm asking the Court for an extension to pursue my Appeal. Also, I was notified May 26, 2017 of Appellate decision via email by Rene Josey, which was on a Friday afternoon before Memorial day weekend and the Appeals Court decision was on May 24, 2017 and we didn't get notified until May 26, 2017 which was on a Friday. Why was there a 2 day Delay in notifying Rene Josey by the Appeals Court? If we had been notified on the same day of



the Order then it would have allowed a few more days to work on the reconsideration. <sup>1</sup> (see SCRule 264(b) ).

I Elizabeth Langley hired Attorney, J. Rene Josey on September the 5th 2015, I have paid him \$30,000.00. The agreement signed stated that the \$30,000.00 is time required for the first appeal from Circuit Court: it does not include any estimate of fees for any subsequent trial or representation with regard to Probate administration, will be happy to assist you in those matters but will need to reach a separate fee agreement in regard to that. (note the contract says subsequent trial or representation with regard to probate. This is an Appeal not a trial or Probate.) ( no one pays \$30,000.00 not to see an appeal all the way to the end) I have paid Rene Josey \$30,000.00, \$2500.00 to cover subsequent trial and Probate plus another \$1344.00 for at total amount of \$33,844.00.

On May 26,2017 which was a Friday after 12noon (note this was Memorial Day Weekend so attorney office not open the following Monday), Rene Josey sent me an email regarding the appellate decision and I sent email correspondence to him with multiple questions. His email said,"he just received the decision from the court of appeals, that he would be happy to meet with me next week to discuss. Petitioning for a rehearing and then petitioning the Supreme Court would require \$5000.00. He said any petition for rehearing would have to be done and received by the Court of

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<sup>1</sup> SC Rule 264 (b) Withdrawal. An attorney of record in a matter pending before an appellate court may not withdraw from representation of his client without justifiable cause, or the consent of his client: and then only after proper written notice to his Client, on petition to and by written order of the appellate court, and with the notice to the adverse party.

Appeals By June 8,2017 (15 days after may 24,2017) that it needed to be filed no later than June 8,2017". I asked him to call me, {see exhibit A May 26, 1:38 pm} he never did. At that time in the emails, he never once told me he didn't have time to do the reconsideration, he never said to get in touch with him by a certain date, he just said next week. I'm asking the court to allow more time because Mr. Josey should have immediately filed a motion to be relieved, if he had no intention to continue representation. If Mr. Josey had filed the proper motions on June 1,2017 (this was the first time I was notified that he didn't have time to do the reconsideration) would have either allowed me to represent myself as Pro Se or allowed the time to hire a new attorney, because the court would have allowed extra time at that time.

After the fact and after the final date that reconsideration could be filed, Mr Josey filed a motion to be relieved which was on June 13,2017 which was after the final date to file a Reconsideration, by that time, the time limit which was June 8, 2017 had passed and was too late, and violated rule 264 (b)<sup>2</sup>

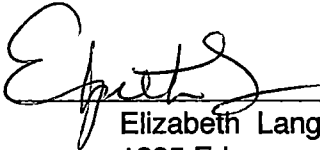
If Court allows Representation as Pro Se, I'm asking the Court to allow time for me to either submit my previous Reconsideration (which was timely filed) and allowing me to file an addendum to it and recall the Remittitur

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<sup>2</sup> SCRULE 264 (b) Withdrawal. An attorney of record in a matter pending before an appellate court may not withdraw from representation of his client without justifiable cause, or the consent of his client : and then only after proper written notice of his client, on petition to and by written order of the appellate court and with notice to the adverse party.

and/or allow enough time for me to seek new counsel and file a new Reconsideration. Mr. Josey should have immediately Motioned to relieve himself, regardless if he knew or didn't know I was filing Pro Se. (see email exhibit A, June 1, 2017 1:20pm states any "Petition by you " which is referring to me filing Pro Se } His actions or non-action, prevented me from having enough time to seek a new Appellate Attorney. I also think, that his contract didn't clearly state that he wasn't going to represent me through out the process of this first appeal from Circuit Court. This is the first appeal from Circuit Court and the Reconsideration and Appeal to Supreme Court is a process of the first Appeal from Circuit Court. I have paid him a lot of money to represent me and if he had told me from the beginning that he couldn't follow thru the entire Appellate Process, I wouldn't have hired him. I'm requesting the Court to allow more time to hire a new Appellate Attorney.<sup>3 4</sup>

July 18, 2017

  
Elizabeth Langley  
1225 Edgewood Ave.  
Florence, South Carolina 29501  
843-615-6918

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<sup>3</sup> Refer to Motions to appeal the Remittitur, Motion for attorney fee reimbursement filed along with this motion.

<sup>4</sup> Refer to Exhibits: A) copy of emails B) copy of contract C) paid checks to R. Josey

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**PROOF OF SERVICE**

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I certify this 18th day of July 2017 that I have served copies of the MOTION FOR EXTENTION OF TIME , MOTION TO RECALL THE REMITTITUR TO JOE MCCULLOCH AND RENE JOSEY AND THE MOTION FOR REIMBURSEMENT OF ATTORNEY'S FEES TO RENE JOSEY ONLY, by mailing same, postage prepaid in the United States mail, addressed to the following:

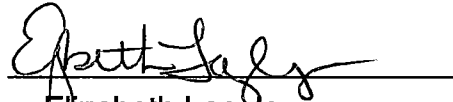
Joseph M. McCulloch, Jr., Esquire  
Kathy R. Schillaci, Esquire  
Law Offices of Joseph M. McCulloch, Jr.  
Post Office Box 11623  
Columbia, SC 29211

J. Rene Josey, Esquire  
Post Office box 5478 (29502)  
Turner Padgett Graham & ILaney, PA  
Florence, South Carolina, 29501

(Signature page to follow)

July 18, 2017

(Signature page to follow)

A handwritten signature in black ink, appearing to read "Elizabeth Langley", is written over a horizontal line.

Elizabeth Langley  
1225 Edgewood Ave.  
Florence, South Carolina  
29501  
Phone: 843-615-6918  
Email: elizalangle@aol.com

mcs

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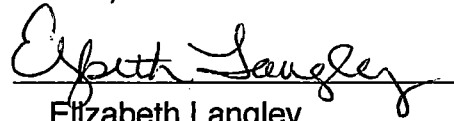
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Joseph M. McCulloch, Jr., Esquire  
Kathy R. Schillaci, Esquire  
Law Offices of Joseph M. McCulloch, Jr.  
Post Office Box 11623  
Columbia, SC 29211

J. Rene Josey, Esquire  
Post Office box 5478 (29502)  
Turner Padget Graham & ILaney, PA  
Florence, South Carolina 29501

July 18, 2017

(Signature page to follow)

A handwritten signature in cursive script, reading "Elizabeth Langley", written over a horizontal line.

Elizabeth Langley  
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29501  
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Email: elizalangle@aol.com