

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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JUL 18 2017

SC Court of Appeals

APPEAL FROM FLORENCE COUNTY  
Court of Common Pleas

Honorable Craig D. Brown, Presiding Judge

Appellate Case No. 2015-001941

Elizabeth J. Langley .....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 ATTORNEY FEE REIMBURSEMENT

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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. I paid Rene Jose \$30,000.00 plus an additional \$2500 for subsequent trial and Probate for total of \$33,3844.00. (see exhibit (B and C attached contract and payments) ( Note: the contract states the \$30,000.00 for first appeal from Circuit Court and it doesn't include estimate for subsequent trial or representation with Regard to Probate, Note: it doesn't state subsequent Appeal,

Reconsideration of Appeal or Appeal to Supreme Court, it says trial and this isn't a trial it's a reconsideration of the Appeal) Who pays \$30,000.00 to be left in the Midst of the appeal? No one. Mr. Josey left me in the midst of an Appeal, causing extreme prejudice to my case , not allowing enough time to hire an experienced new Appellate Attorney. By Mr. Josey stating he didn't have the time to file the reconsideration and not filing the proper papers and motions in a timely manner, Mr. Josey violated SCRule 264 (b) <sup>1</sup>

On May 26,2017 which was a Friday after 12noon (note this was Memorial Day Weekend so attorney office was not open the following Monday), Rene Josey sent me an email regarding the Appellate decision which denied my Appeal and I sent email correspondence {see exhibit A} to him with multiple questions. His email said, 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, this was not in the initial contract. He said any petition for rehearing would have to be done and received by the Court of 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, 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. After not hearing from Rene Josey, I called him on June 1,2017 to file the reconsideration and he said didn't have time. (note this is 7 days before it needed to be filed) This should have given him plenty of time for him to file a Reconsideration since he had already written the initial Appellate brief. He could have filed a motion to be relieved and that would have given an extension, but he failed to do so until too late. I think it was done on purpose and a stall tactic on his part. He knew the laws and knew he should have filed a Motion to be relieved.

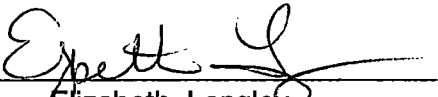
I'm also, asking the court to allow for an extension (see Motion for Time Extension) because Mr. Josey should have immediately relieved himself by filing a motion on June 1,2017 (this was the first time I was notified that he didn't have time to do the reconsideration) allowing an extension for me to represent myself as Pro Se or allowing time to hire a new attorney. If court allows representation as Pro Se, I'm asking the Court to allow me to either submit my previous

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

Reconsideration (which was timely filed) and allowing me to file an addendum to it and recall the Remittitur or to allow enough time for me to seek new counsel and file a new Reconsideration. (see motion to Appeal Denial of Recalling the Remittitur) Mr. Josey should have immediately relieved himself regardless of, if he knew or didn't know I was filing Pro Se. His actions or non-action, prevented me from having enough time to seek a new attorney. I also think that his contract didn't 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 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. So, I'm asking the Court also to refund all or a large portion of what I have paid J.Rene Josey which was a total of \$33,844.00 {see exhibit C} in addition to the above request.<sup>2 3 4</sup>

July 18, 2017

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

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<sup>2</sup> (see exhibits attached: A) copy of emails , B) contract with J. Rene Josey and C) paid checks to Rene Josey}

<sup>3</sup> (see Motions to appeal the Remittitur, Motion for Extension of Time filed along with this motion)

<sup>4</sup> Refer to previous filed Motions June 13, 2017 by Rene Josey filed Motion to be relieved as counsel

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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:

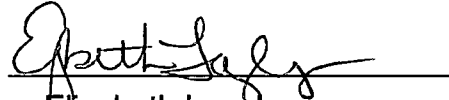
Joseph M. McCulloch, Jr., Esquire  
Kathy R. Schillaci, Esquire  
Law Offices of Joseph M. McCulloch, Jr.  
Post Office Box 11623  
Columbia, SC 29211

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", written over a horizontal line.

Elizabeth Langley  
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29501  
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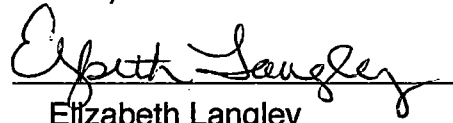
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Joseph M. McCulloch, Jr., Esquire  
Kathy R. Schillaci, Esquire  
Law Offices of Joseph M. McCulloch, Jr.  
Post Office Box 11623  
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