

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. IangleyAppellant

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.

MOTION TO CORRECT ERRORS ON FIRST MOTION TO RECALL THE REMITTITUR
FILED BY J. RENE JOSEY ON JUNE 13, 2017

Rene Josey contacted me on June 13, 2017 and asked me to sign papers to relieve him as counsel and recall the Remittitur, so my Pro Se Reconsideration could be heard by the Court. He needed me to sign asap but I was out of town, he said he could fax it to me to just sign where my name was and fax it back. I found a UPS Store did what he requested. He also said that it would help my case if I signed it. I didn't read the information, I did as he requested and faxed it back. After reviewing the information and locating the contract that we had signed. I found errors in his statements and only signed the papers at his request, thinking I was signing a Motion to Recall the Remittitur and Motion for him to be relieved because of my Pro Se filing.

- 1) The statement on the first page of the Motion to Recall the Remittitur, item 1) states counsel only engaged to file and argue first level of appeal of this matter: but the contract states "\$30,000.00 is deposit required for the first appeal from Circuit Court". (this is the first appeal from Circuit Court, so his statement is different from statement above and needs to be corrected). The contract also states it doesn't include any estimate of fees for any subsequent trial or representation with regard to Probate administration-we will be happy to assist you in those matters but will need to reach a separate fee agreement in that regard. { this refers to Circuit Court Trial and Probate Court pending the outcome of the Appeal
- 2) I have also paid Rene Josey and additional \$3844.00 for a total of \$33844.00. This is the first Appeal from Circuit court and it was my understanding and according to the contract that it was to continue though the entire appeals process. ¹

3) Item 4) is not correct, May 26, 2017 Counsel engaged in email conversations with Appellant and counsel asked Appellant to set up time the following week to discuss. Appellant asked him to call her. The following Monday was Memorial Day, the Appellant had not heard from Mr. Josey and called him on June 1, 2017 plenty of time to do a Reconsideration. Mr. Josey, only at that time notified the Appellant that he didn't have the time to do a Reconsideration. ²

4) Refer to item 5) only after Mr. Josey said he didn't have enough time file the Reconsideration in order to continue the Appeals process. I already had another attorney in another legal matter and asked him would he be able to help, then he said there wasn't enough time and the reconsideration would be too much for him to handle, since he had no experience in the matter. I had sent documents and only consulted with other Attorneys, because of Rene Josey dropping me 7 days prior to reconsideration dead line, but I didn't engage in new counsel.

I'm requesting these changes be made in the record and / or added to the record.

¹ see contract between Elizabeth and Rene Josey

² see emails between Elizabeth

July 18, 2017

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

Elizabeth Langley
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Florence, South Carolina
29501
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J. René Josey

E-Mail: RJosey@TurnerPadget.com
Writer's Direct Dial: (843) 656-1451
Writer's Direct Fax: (843) 413-5818

June 1, 2017

Via Email and U.S. Mail

Ms. Elizabeth Langley
1225 Edgewood Avenue
Florence, SC 29501

Re: Langley v. Lynch, et al.
TP File No.: 13799.101

Dear Beth:

This will confirm that I have emailed you all relevant appeal documents – including the 200 page Record Appeal. These documents (all briefs, the record, and the decision) are all that would be needed by any new attorney to prepare a Petition for Rehearing.

Again, Rule 221 establishes a hard-deadline (that cannot be extended) for Petitions for Rehearing – and the hard 15 day deadline in this case requires that any such Petition by you be received at the Court of Appeals (and served on opposing counsel) by next Thursday, June 8th. As you know, you acknowledged my first email advising you of this deadline on May 26th.

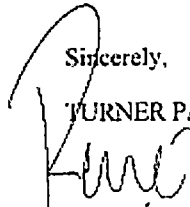
As we discussed, my schedule simply does not allow me to prepare a Petition. I also think that if you choose to do a Petition, a new attorney perspective could prove helpful. Again, most such Petitions are denied – even though you have observed some errors in the Court decision (like the failure to focus on the content of the text message).

As we also discussed, there is no mechanism for collateral attack of a civil case outcome although you can sue for damages if you think it was caused by another's negligence.

You may pick up the few remaining documents from your original file that have not previously been returned. I anticipate closing my file now. I wish you the best of luck in your future endeavors – and with your knee.

Sincerely,

TURNER PADGET GRAHAM & LANEY P.A.



J. RENÉ JOSEY

JRJ:cml

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From: Elizabeth Langley elizalangle@aol.com
Subject: Re: Reconsideration court of appeals
Date: June 12, 2017 at 4:56 PM
To: J. Rene Josey JJosey@TurnerPadget.com

Asap

On Jun 12, 2017, at 4:50 PM, Elizabeth Langley <elizalangle@aol.com> wrote:

this is Beth I filed the reconsideration motion in the Court of Appeals myself on Thursday they're saying that you have to relieve yourself from representing me and both civil court and the appeals court and I need that done today I paid you \$35,000 and you drop the ball at the end of this and it is not right to me you know what I am very upset about this y'all have done a number on us this whole Florence County .. I need you to call me please