

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM BEAUFORT COUNTY

Court of Common Pleas

Carmen T. Mullen

Circuit Court Judge

Case No. 2014-CP-07-02268

Appellate Case No. 2017-000685

RECEIVED

AUG 02 2017

SC Court of Appeals

BARBARA AIMAR GOODWIN, f/k/a BARBARA A. GILLEY.....Appellant

vs.

RONALD L. ROSSETTI, Individually, and as Trustee of the RONALD L. ROSSETTI TRUST-1989, LINDA A. ROSSETTI, as Trustee of the RONALD L. ROSSETTI TRUST, the RONALD L. ROSSETTI TRUST, CHRISTOPHER T. GODLEY and JADE GODLEY.....Respondents.

RESPONSE TO MOTION TO EXTEND
TIME TO SERVE INITIAL BRIEF

The Respondents, Christopher T. Godley and Jade Godley (herein "Godley's") file this response and seek dismissal of the appeal in its entirety.

The basis for dismissal are founded in the required rules of appellant practice for this state.

The appellant rules are specific and have the following time table:



1. First, the written Notice of Entry of Judgment is filed and received. [Rule 203(b)].
2. Service of the Notice of Appeal must be done in or before 30 days [Rule 203(b)].
3. Appellant has 10 days to order the transcript [Rule 207(a)].
4. The transcript is to be delivered in 60 days [Rule 207(a)].
5. Appellant then has 30 days to file the initial brief [Rules 208 and 209].

The actual time line on this matter show that Appellant has not complied with the rules. Respondents Godley note that no request for extension has ever been served on them between the entry of judgment and July 24, 2017, except a motion to extend time dated July 21, 2017.

It is also of note that attorney Robert V. Mathison, Jr. represented Appellant during the time of the summary judgment hearing. Later, Appellant was pro se for a time. Mr. Mathison re-entered as Appellant's attorney by a Notice of Appearance dated April 12, 2017.

The record will show that Beaufort County Court of Common Pleas received and filed Judge Carmen Mullen's order granting summary judgment on February 9, 2017. (Counsel involved was served that same day via electronic notice.) Appellant's Notice of Appeal is dated March 13, 2017. It was apparently mailed that day.

Appellant's counsel filed a motion for reconsideration on February 21, which was more than the 10 days allowed by rule.

About this time, Appellant acted pro se and filed the same motion (to reconsider). This filing was about 14 days after the order granting summary judgment was filed.

Appellant, still pro se, filed her second notice of appeal on or about March 15, which was in violation of the 30 day requirement of Rule 203.

Since both the motion for reconsideration and the notice of appeal were filed past the allotted times, this matter should be dismissed. Even though Rule 55 of the Rules of Practice state that the time to file the appeal is stayed when a motion for reconsideration is made, the rule refers to a "timely" motion. Such is not the case here.

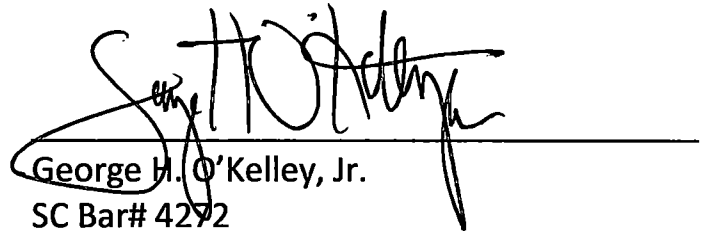
Additionally, appellant is in violation of the time limit on ordering the transcript. Ms. Goodwin, acting pro se, wrote a letter to the reporter ordering a transcript on March 22, 2017. Again, the order was filed on February 9, 2017. The Notice of Appeal was filed on March 13, which was two days past due. Ten days are allowed for ordering the transcript. March 23 is past the due date for such.

The transcript is to be delivered in 60 days, which even given appellant's times would mean the 60 day time limit would be about May 23, 2017. No extension was ever requested.

The timely service in appellant practice is jurisdictional and cannot be waived. Olson v. Faculty House of Carolina, Inc., 544 SE 2d 38; 344 SC 194.

An appellant is required to serve notice within 30 days from the granting of summary judgment. Mears v. Mears, 337 SE 2d 206, 287 SC 168.

These Respondents respectfully pray that this matter be dismissed.

A handwritten signature in black ink, appearing to read "George H. O'Kelley, Jr.", is written over a horizontal line. The signature is stylized and cursive.

George H. O'Kelley, Jr.

SC Bar# 4272

P. O. Box 1072

Beaufort, South Carolina 29901

843-524-3233

July 31, 2017

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM BEAUFORT COUNTY

Court of Common Pleas

Carmen T. Mullen

Circuit Court Judge

Case No. 2014-CP-07-02268

Appellate Case No. 2017-000685

RECEIVED
AUG 02 2017
SC Court of Appeals

BARBARA AIMAR GOODWIN, f/k/a BARBARA A. GILLEY.....Appellant

vs.

RONALD L. ROSSETTI, Individually, and as Trustee of the RONALD L. ROSSETTI TRUST-1989, LINDA A. ROSSETTI, as Trustee of the RONALD L. ROSSETTI TRUST, the RONALD L. ROSSETTI TRUST, CHRISTOPHER T. GODLEY and JADE GODLEY.....Respondents.

PROOF OF SERVICE

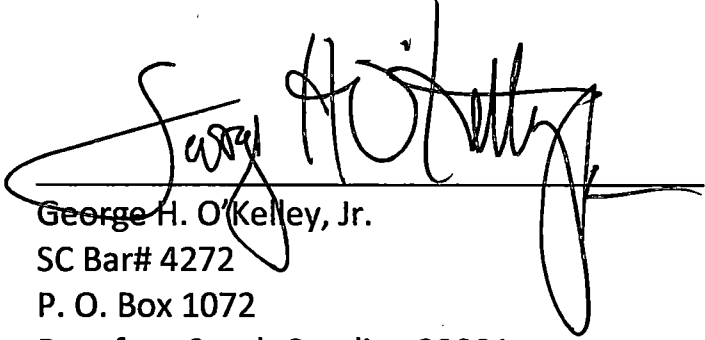
I, George H. O'Kelley, Jr., attorney for Christopher T. Godley and Jade Godley, certify that on July 31, 2017 I filed and served by mail the original and copies as required by the rules of practice with postage prepaid at the Beaufort, South Carolina post office addressed as follows:

The Honorable Jenny Abbott Kitchings
Clerk of South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

The Honorable Jerri Ann Roseneau
Clerk of Court for Beaufort County
Post Office Drawer 1128
Beaufort, South Carolina 29901

William A. Bryan, Jr., Esquire
Collins & Lacy, PC
11945 Grandhaven Drive, Suite D
Murrells Inlet, South Carolina 29576

Robert D. Mathison, Jr., Esquire
P. O. Box 5271
Hilton Head Island, S. C. 29938



George H. O'Kelley, Jr.
SC Bar# 4272
P. O. Box 1072
Beaufort, South Carolina 29901
843-524-3233

July 31, 2017

GEORGE H. O'KELLEY, JR., LLC

(843) 524-3233

(843) 524-3705

ATTORNEY AT LAW

715 BAY STREET

P.O. BOX 1072

BEAUFORT, SOUTH CAROLINA

ZIP: 29901

FAX: 521-4949

July 31, 2017

Honorable Jenny Abbott Kitchings
Clerk of the South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

Re: Goodwin vs. Rossetti, et al
Appellate Case No: 2017-000685

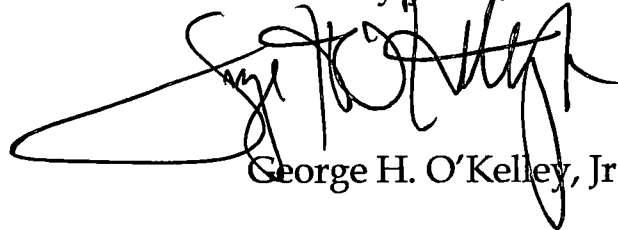
RECEIVED
AUG 02 2017
SC Court of Appeals

Dear Ms. Kitchings:

I am enclosing the original and six copies of the respondents Godley response to Motion to Extend Time. As you can see by the Proof of Service, I am sending a copy to everyone else involved.

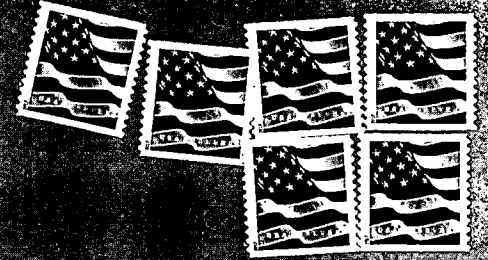
Should you need anything further, please let me know. Thank you.

Sincerely yours,



George H. O'Kelley, Jr.

George H. O'Kelley, Jr.
Attorney at Law
PO Box 1072
Beaufort, SC 29901



Honorable Jenny Abbott Kitchings
Clerk of South Carolina Court of Appeal
Post Office Box 11629
Columbia, South Carolina 29211

RECEIVED

AUG 02 2017

SC Court of Appeals