

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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APR 09 2018

SC Court of Appeals

APPEAL FROM BEAUFORT AND FLORENCE COUNTY
Kenneth E. Fulp, Jr. Circuit Court Judge
Roger L. Crouch, Circuit Court Judge

Case Nos. 2016-ES-01-00302, 2016-CP-21-1435, 2015-ES-21-00778
Appellate Case No. 2017-002290

Deborah B. Harwell, Respondent/Appellant,

v.

Robert Bryan Harwell, individually and as the
Personal Representative of the Estate of
David W. Harwell; and the South Carolina
Department of Health and Environmental Control,
Division of Vital Records, Defendants,

Of whom Robert Bryan Harwell, individually
and as the Personal Representative of the
Estate of David W. Harwell is the Respondent/Appellant,

And the South Carolina Department of
Health and Environmental Control,
Division of Vital Records is the Respondent,

v.

Law Office of Deidre W. Edmonds, P.A.
And Deidre W. Edmonds, Individually,Appellants/Respondents.

MOTION FOR EXTENSION

Pursuant to Rule 240, SCACR, Respondent/Appellant *Pro Se* Deborah B. Harwell
requests a 90-day extension of the deadline for filing her initial brief and designation of matter to
be included in the record on appeal required under SCACRs 208 and 209 to allow counsel to be



obtained or in the alternative obtain a Rule 40(j) as recommended by the Law Firm herein below. Ms. Harwell's understanding from her former local counsel, Desa Ballard and Harvey M. Watson III, (hereafter "Law Firm") who resigned unexpectedly, was that the Law Firm which had agreed to handle this case and a separate case serving as the local counsel for Paul Gordon, Esquire from Glendale, Colorado. Mr. Gordon had agreed to take on both cases as my *Pro hac vice* counsel. Please note attached **Exhibit "A"** a January 30, 2018 email from the Law Firm to me and Paul Gordon, Esquire with a remedy to the Law Firm's unexpected resignation as local counsel. The Law Firm advised me and Mr. Gordon to file a Rule 40(j) dismissal. I asked Mr. Gordon to take the action recommended by the Law Firm.

Please note attached **Exhibit "B."** It documents I was notified on April 2, 2018, that Mr. Gordon had not been able to find local counsel to work with him and he could not take the action recommended by the Law Firm because it would be an unauthorized practice of law in South Carolina. I do not understand why Ms. Ballard, Esquire, who is an adjunct professor of ethics, at the University of South Carolina law school, would recommend such an unethical action be undertaken by Paul Gordon, Esquire and Respondent/Appellant Deborah Harwell.

SUMMARY

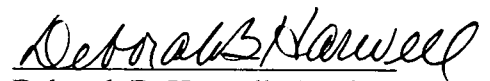
This complex litigation is beyond the capabilities of Respondent/Appellant Deborah Harwell. She has spent over seventy thousand dollars for the Law Firm's services and only forty-eight hours ago discovered she was effectively abandoned by the Law Firm which left her with advice that was both unethical and not achievable. This is a highly emotional case for the widow of the former Chief Justice of the South Carolina Supreme Court who were married for eighteen years at the time of his death. This litigation is a result of runaway emotions fueled by personal insults and attorneys whose only interest was using her as a cash cow and then

effectively abandoning her with false hope and unethical advice.

The current deadline is April 6, 2018. This is the first request for an extension of this deadline since Respondent/Appellant has learned she was abandoned on April 2, 2018. The Respondent/Appellant respectfully prays she be allowed to seek competent counsel who can navigate her through this runaway complex litigation, so all sides can move on with their lives.

April 6, 2018

Respectfully submitted,



Deborah B. Harwell, *Pro Se*
P.O. Box 7769
Myrtle Beach, SC 29572

From: Desa Ballard <desab@desaballard.com>

To: Paul Gordon <pgordon@gorlaw.com>; adobepalm <adobepalm@aol.com>

Cc: Harvey Watson <harvey@desaballard.com>; Beth Cogan <Beth@desaballard.com>

Subject: Derrick case

Date: Tue, Jan 30, 2018 11:43 am

The court is issuing an order relieving us as counsel in the case against Derrick, and giving Debbie 30 days to find new counsel for that matter. The order will say that, if new counsel does not appear within thirty days (I'm not sure when the 30 days starts to run, we will see when we get the written order), Paul's pro hac vice admission will be rescinded. We will send you both the order when we get it.

Debbie picked up electronic copies of her file on the Derrick matter, and Derrick's ORIGINAL file from our office last week.

Debbie, your clock is ticking. I would urge you to allow Paul to do a Rule 40(j) order to give you a full year to find new counsel. A Rule 40(j) order strikes the case from the docket for a maximum of one year, and if the case is not restored within one year, it becomes a dismissal with prejudice. It preserves any statute of limitations argument because the statute was stayed when the action was filed. The one-year provided by Rule 40(j) is free.

Paul, I will ask Beth to send you a copy of Rule 40(j).

db

EXHIBIT A

From: Paul Gordon <pgordon@gorlaw.com>
To: Lake Cruises <adobepalm@aol.com>
Subject: RE: Rule 40(J)
Date: Mon, Apr 2, 2018 9:01 pm

Deborah:

By operating of the court's order, I am automatically dismissed from the case. I no longer have authority to act on your behalf in the case.

However, you don't need me to file a 40(j) dismissal. You can do it yourself.

I was unable to find local counsel to help. As a result, I must take no further action on your behalf. Any action on my part would constitute the unauthorized practice of law in South Carolina.

I wish I could have come up with a better result for you, and I wish you the best of luck in your endeavors.

Paul Gordon

400 South Colorado Boulevard, Suite 420
Glendale, Colorado 80246
Direct: 720-360-4361
Office: 303-756-0800
gorlaw.com

-----Original Message-----

From: Lake Cruises <adobepalm@aol.com>
Sent: Sunday, April 1, 2018 10:13 PM
To: Paul Gordon <pgordon@gorlaw.com>
Cc: adobepalm@aol.com
Subject: Rule 40(J)

EXHIBIT B

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David W. Harwell; and the South Carolina
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Division of Vital Records, Defendants,

Of whom Robert Bryan Harwell, individually
and as the Personal Representative of the
Estate of David W. Harwell is the Respondent/Appellant,

And the South Carolina Department of
Health and Environmental Control,
Division of Vital Records is the Respondent,

v.

Law Office of Deidre W. Edmonds, P.A.
And Deidre W. Edmonds, Individually,Appellants/Respondents.

PROOF OF SERVICE

The undersigned hereby certifies that on the date indicated below she served the counsel of
record with a copy of the Motion for Extension by mailing copies of the same by United States

Mail with first class postage prepaid to the following addresses:

Blake A. Hewitt
BLUESTEIN THOMPSON SULLIVAN, LLC
Post office Box 7965
Columbia, South Carolina 29202

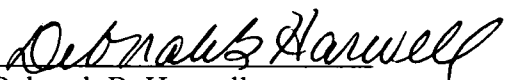
Kevin M. Barth, Esquire
Ballenger, Barth, Hoefler & Lewis
P. O. Box 107
Florence, South Carolina 29503

Gena Phillips Ervin
Orr Elmore & Elmore
P. O. Box 2527
504 South Colt Street
Florence, South Carolina 29503

Barber J. Wagner
M. Dawes Cooke, Jr.
Barnwell Whaley Patterson & Helms, LLC
P.O. Drawer H
Charleston, SC 29402-0197

John Harleston
S.C. Department of Health and Environmental Control
2600 Bull Street
Columbia, SC 29201

April 6, 2018


Deborah B. Harwell

Deborah B. Harwell

P. O. Drawer 7769

Myrtle Beach, S.C 29572

843-458-3300

adobepalm@aol.com

Deborah B. Harwell

1459 River Highway

Mooresville, NC 28117

843-458-3300

adobepalm@aol.com

The South Carolina Court of Appeals

Post Office Box 11629

Columbia, South Carolina 29211

Fax: 803-734-1839

April 6, 2018

Dear Clerk:

Please find in receipt six copies and an original of a Motion for Extension and the same for the Motion to Serve out of Time Motion for Extension. Also included is the Proof of Service. I have also included two additional copies and I am requesting a stamped copy of each one sent to each of the addresses above. I am also enclosing a Money Order for \$25 for the filing.

With kind regards,



Deborah B. Harwell, pro se

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