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THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY  
Court of Common Pleas

Marvin H. Dukes, III, Master-In-Equity

Appellate Case No. 2018-002188

**RECEIVED**

JAN 03 2019

**SC Court of Appeals**

Ron Orlosky in his capacity as Personal  
Representative of the Estate of Debora  
L. Orlosky, and in his capacity as Trustee  
of the Debora Laura Orlosky Revocable  
Trust

Respondent

v.

The Law Office of Jay A. Mullinax, LLC

Appellant

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**APPELLANT'S MOTION FOR EXTENSION OF TIME TO FILE A MEMORANDUM  
OF APPEALABILITY OF THE LOWER COURT'S ORDER AND MEMORANDUM IN  
SUPPORT OF THE MOTION**

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Pursuant to the South Carolina Appellate Court Rules: Rule 240, Appellant, The Law Office of Jay A. Mullinax, LLC, by and through undersigned counsel, hereby moves for an extension of time to file a Supplemental Memorandum of Appealability of the lower Court's Order, dated November 15, 2018.

## MEMORANDUM IN SUPPORT

This matter stems from supplemental proceedings concerning the captioned case. The Honorable Marvin H. Dukes, III issued the Order on November 15, 2018. In that Order, the Court made findings of fact and conclusions of law concerning numerous matters.

On November 19, 2018, the Appellant filed a Motion pursuant to South Carolina Rules of Civil Procedure: Rule 59(e). However, the Respondent raised concerns about the validity of the Motion, which put the Rule 59(e) (SCRCP) Motion into question. Because the effectiveness of the Rule 59(e) (SCRCP) Motion was in question, the Appellant filed a Notice of Appeal within the appropriate thirty (30) day suspense, on December 10, 2018, while awaiting the Court's decision concerning the effectiveness of the Rule 59(e) (SCRCP) Motion.

On December 28, 2018, the Court indicated its acceptance of the Rule 59(e) (SCRCP) Motion and plans to schedule a hearing concerning issues surrounding that Motion. At this point, however, there is uncertainty as to what issues, within the Order, the Court will hear under the Rule 59(e) (SCRCP) Motion. In other words, there is uncertainty as to whether portions of the Order are final and what portions are being reconsidered. Because of this uncertainty, we are requesting that the Court of Appeals extend its deadline for the parties to submit memorandums concerning the appealability of the Order by allowing the Appellant to file a supplement to its Memorandum within ten (10) days following the entry of the Order from the Rule 59(e) (SCRCP) Motion's hearing. Until the Court holds a hearing concerning the Rule 59(e) (SCRCP) Motion, we cannot readily address what portions of the Order are final and what portions are under reconsideration.

If the Court of Appeals prematurely dismisses the appeal before the lower Court determines what portions of the Order are under reconsideration and what portions are (already) final, then the Appellant may be prevented from appealing any portions of the Order that are retroactively determined to be final. Also, the pending appeal presently “stays” portions of the Order that may be determined to be retroactively final. The premature dismissal of the appeal and the simultaneous lifting of that stay would likely bring great harm to the Appellant -- before an appeal can be heard. Additionally, pursuant to Rule 260, SCACR, if this Honorable Court chooses to issue an Order of Dismissal, and the Rule 59(e) (SCRCP) Motion’s hearing is not scheduled within fifteen (15) days of the Order of Dismissal, Appellant loses its ability to properly file a Motion to reinstate the appeal.

Also, please be aware that due to a death in the Judge’s family, his present availability to address these issues is limited. However, he has indicated that the Court intends to promptly schedule a hearing concerning these matters.

Again, we request that the Court of Appeals simply extend its deadline for submitting a substantive memorandum concerning the appealibility of the November 15, 2018 Order by allowing the Appellant to file a supplement to its Memorandum within ten (10) days following the entry of the Order from the Rule 59(e) (SCRCP) Motion’s hearing.

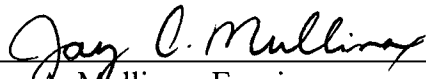
### **CONCLUSION**

For the foregoing reasons, the Appellant respectfully prays that this Honorable Court grant this Motion for Extension of time to file a substantive Memorandum by allowing the Appellant to

file a supplement to its Memorandum within ten (10) days following the entry of the Order from the Rule 59(e) (SCRCP) Motion's hearing.

Respectfully Submitted,

January 2, 2019

  
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Jay A. Mullinax, Esquire  
SC Bar No. 68293  
Law Office of Jay A. Mullinax, LLC  
2 Park Lane, Suite 303  
Hilton Head Island, SC 29928  
(843) 785-6101  
Attorney for Appellant

THE STATE OF SOUTH CAROLINA  
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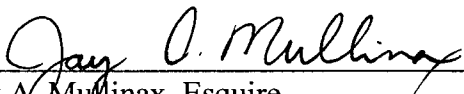
**PROOF OF SERVICE**

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I, Jay A. Mullinax, hereby certify that I have served one (1) copy of Appellant's Motion for Extension of Time to file the Memorandum of Appealability of the Lower Court's Order upon Respondent's counsel by depositing a copy in the United States Postal Service, first class postage prepaid, and addressed as follows:

John R.C. Bowen, Esquire  
Laughlin & Bowen, P.C.  
P.O. Drawer 21119  
Hilton Head Island, SC 29925

January 2, 2019

  
Jay A. Mullinax, Esquire  
SC Bar No. 68293  
Law Office of Jay A. Mullinax, LLC  
2 Park Lane, Suite 303  
Hilton Head Island, SC 29928  
(843) 785-6101  
Attorney for Appellant



ESTATE PLANNING FIRM  
OF  
HILTON HEAD, LLC

January 2, 2019

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JAN 03 2019

SC Court of Appeals

**VIA FEDEX**

Ms. Jenny Abbott Kitchings, Clerk of Court  
South Carolina Court of Appeals  
1220 Senate Street  
Columbia, SC 29201

Re: Ron Orlosky in his capacity as Personal Representative of the Estate of Debora L. Orlosky, and in his capacity as Trustee of the Debora Laura Orlosky Revocable Trust, Respondent, v. The Law Office of Jay A. Mullinax, LLC, Appellant.  
Case No. 2018-002188

Dear Ms. Kitchings:

Enclosed please find a check in the amount of Fifty Dollars (\$50.00) for the filing fee of a Motion; an original and seven (7) copies of Appellant's Motion for Extension of Time to File a Memorandum of Appealability of the Lower Court's Order and Memorandum in Support of the Motion; and Proof of Service.

Also enclosed, and pursuant to the Court's correspondence dated December 20, 2018, is an original and seven (7) copies of Appellant's Memorandum of Appealability of the Lower Court's Order; and Proof of Service.

We would appreciate it if you could please file the originals and return a clocked copy of Appellant's Motion and Memorandum of Appealability in the self-addressed, stamped envelope provided. If you have any questions, please do not hesitate to contact our office. Thank you for your time and attention to this matter.

Very truly yours,

ESTATE PLANNING FIRM OF HILTON HEAD, LLC

Jay A. Mullinax, Esquire

/Enclosures

JAM:lnk

cc: John R. C. Bowen, Esq.

*Navigating the Way  
to Leaving Your Legacy*

ORIGIN ID: HHA (843) 785-6101  
LAUREN KORESDOSKI  
ESTATE PLANNING FIRM OF HILTON HEAD  
2 PARK LANE  
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HILTON HEAD ISLAND, SC 29928  
UNITED STATES US

SHIP DATE: 02JAN19  
ACTWGT:  
CAD: 113562357/INET4040

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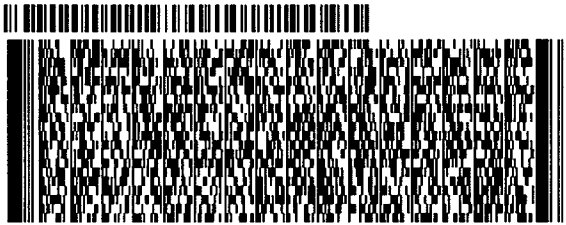
TO **JENNY ABBOTT KITCHINGS, CLERK**  
**SC COURT OF APPEALS**  
**1220 SENATE ST**

**COLUMBIA SC 29201**

(843) 785-6101 REF:

INV: PO: DEPT:

552.02/074C/DCA5

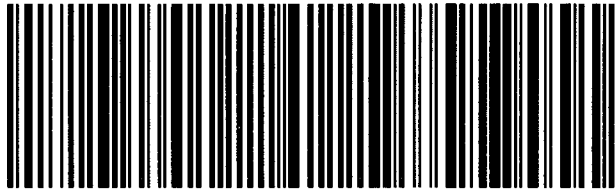


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