

March 7, 2019
1438 W. Lantana Rd., #330
Lantana, FL 33462

Honorable Jenny Abbott Kitchings
Clerk of Court
SC Court of Appeals
P.O. Box 11629
Columbia, SC 29211
(843)662-3258 Fax (843)662-1342

RECEIVED
MAR 12 2019
SC Court of Appeals

RE: Appellate Case No.: 2018-002115

Dear Ms. Kitchings:

Good day to you.

In an attempt to satisfy the Court's letter dated February 15, 2019, the Appellants received the alleged unsigned order dated September 18, 2018 and referred to on pages 6-14 of the Interinsurance Exchange of the Automobile Club's (Respondent AAA) Motion To Dismiss, through an email dated September 19, 2018 (attached Exhibit A). A motion to correct the Affidavit of Heidi Gersten and the Appellants' return will be made to accurately state this. The Appellants mistakenly stated September 18, 2019.

Ten (10) days are permitted to serve a motion for reconsideration pursuant to **SCRCP Rules 52, 59(e)**, which would be Saturday, September 29, 2018.

Rule 6, SCRCP, states a) Computation. *In computing any period of time prescribed or allowed by these rules, by order of court, or by any applicable statute, the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday or a State or Federal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor such holiday. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays and holidays shall be excluded in the computation. A half holiday shall be considered as other days and not as a holiday.*

This permits the Appellants to timely serve the Respondents on Monday, October 1, 2018, which they did. (Exhibit B)

The Appellants also brought the motion for reconsideration pursuant to 60(4), SCRCF, which permits the motion to be made within one (1) year from after the judgment, order or proceeding was entered or taken.

Rule 5(d), SCRCF, Filing. All papers required to be served upon a party except as provided in Rule 26(g)(1), shall be filed with the court within five (5) days after service thereof.

This would make the filing due date Saturday, October 6, 2019. Pursuant to **Rule 6(a), SCRCF**, it was timely filed on Monday, October 8, 2018. This filing is referenced on page of the Respondent AAA's Motion To Dismiss.

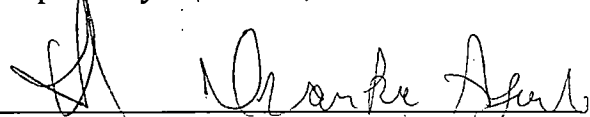
Regardless, the Supreme Court has ruled that "must" is mandatory and "shall" is permissive.

The Appellants received Honorable Judge Hayes alleged unsigned order of October 16, 2018 on October 21, 2018. The Notice of Appeal was timely served and filed on November 15, 2018.

More time is needed for the Appellants to accurately provide the remaining requested answers.

Please find an enclosed U.S. postal money order in the amount of \$50.00 for the enclosed original MOTION FOR EXTENSION OF TIME TO FILE APPELLANTS' AMENDED RETURN OF RESPONDENT CARTER AND DAVIS' MOTION TO DISMISS ALONG WITH A MORE DETAILED RESPONSE TO THIS COURT'S LETTER DATED FEBRUARY¹⁵ 2019, along with 7 copies. Please file the original and return a file-stamped copy in the pre-paid postage envelope provided. Thank you for your time regarding this matter.

Respectfully submitted,



Appellants Heidi Gersten, Ivanka Ayoub
hanginhangout@gmail.com
(323)245-6142 Fax (561) 756-9820

HG/Enclosures



Heidi Veronika Gersten <hanginhangout@gmail.com>

Gersten v. Carter, et al 2018-CP-12-00074 and 00117

1 message

Trudy Humphries <thumphries@willcoxlaw.com>

Wed, Sep 19, 2018 at 12:51 PM

To: "hanginhangout@gmail.com" <hanginhangout@gmail.com>, "hanginghangout@gmail.com" <hanginghangout@gmail.com>

Cc: Reynolds Williams <Reynolds@willcoxlaw.com>

Good afternoon:

Please find attached correspondence from Attorney Williams and the filed Order in connection with the above-referenced matters.

Trudy P. Humphries
Legal Assistant to
Reynolds Williams & Mark Buyck, III

Willcox Buyck & Williams, P.A.
248 W. Evans St | Florence, SC 29501
PO Box 1909 | Florence, SC 29503
843 662-3258|office 843 664-3362|direct 843 662-1362|fax
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2 attachments

 **Ltr to Plfs forwarding filed Order.pdf**
125K

 **Order Dismissing Exchange.pdf**
203K

EXHIBIT A

CERTIFICATE OF SERVICE

(2018-AP-12-00074)

(2018-CP-12-00117)

The undersigned, over 18 years of age and not a party to the said action, hereby certifies that (s)he has served the following named individuals with a copy of the foregoing: FILE NO: 2018-CP-12-00117 NOTICE OF MOTION AND PLAINTIFFS' MOTION TO ALTER OR AMEND A JUDGMENT OR RELIEF FROM JUDGMENT OR ORDER Pursuant to Rules 52, 59(e), 60(4), SCRCP, AND REQUEST FOR ORAL HEARING along with Exhibits 1, 2, 3, 4, 5, 6, 7, 8, 9 by mailing a copy of same to them in the U. S. Post Office mail, with sufficient postage affixed thereto and return address clearly marked on the date indicated below:

Wesley Brian Sawyer, Esquire
Murpy & Grantland, P.A.
4406 Forest Drive #B
Columbia, SC 29206
(Attorney for Kevin Carter and Richard Davis)

David R. Sligh
P.O. Box 2116
Myrtle Beach, SC 29578
(Attorney for Nationwide Mutual Ins. Co.)

FILED
OCT - 8 A 0332
CLERK OF COURT
CHESTER CO S.C.

Peter H. Dworjany, Esquire and
Michael R. Burchstead, Esquire
Collins & Lacy, PC
1330 Lady Street, 6th Floor (29201)
Post Office Box 12487
Columbia, SC 29211
(Attorneys for Trustguard Insurance Company)

William H. Davidson II, Esquire
Davidson & Lindemann, PA
P.O. Box 8568
Columbia, SC 29202
(Attorney for SC Dept. of Public Safety
and Trooper Herbert Blackwell)

Reynolds Williams
P.O. Box 1909
Florence, SC 29503-1909
(Attorney for Defendant Interinsurance Exchange of the Automobile Club)

Alexander S. Gogsette
P.O. Box 5478
Florence, SC 29502
(Attorney for Joseph Tirbovich)

By: 
DAVID TEDESCHI

Boca Raton, Florida
October 1, 2018

EXHIBIT B

RECEIVED

MAR 12 2019

SC Court of Appeals

CERTIFICATE OF SERVICE
(Appellate Case No: 2019-002115)

The undersigned, over 18 years of age and not a party to the said action, hereby certifies that (s)he has served the following named individuals with a copy of the foregoing: Appellate Case No: 2019-002115 APPELLANTS' NOTICE OF MOTION AND MOTION FOR EXTENSION OF TIME TO FILE APPELLANTS' AMENDED RETURN OF RESPONDENT CARTER AND DAVIS' MOTION TO DISMISS ALONG WITH A MORE DETAILED RESPONSE TO THIS COURT'S LETTER DATED FEBRUARY 2019 along with letter to the Court dated March 7, 2019, and Exhibits A, B, AFFIDAVIT OF APPELLANT HEIDI GERSTEN and Exhibit 1, APPELLANTS' RETURN TO RESPONDENTS CARTER AND DAVIS' MOTION TO DISMISS APPEAL AND MOTION FOR THE COURT TO ACCEPT THIS DOCUMENT AS TIMELY WITH OR WITHOUT LEAVE OF COURT, MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF APPELLANTS' RETURN TO RESPONDENTS CARTER AND DAVIS' MOTION TO DISMISS APPEAL AND MOTION FOR THE COURT TO ACCEPT THIS DOCUMENT AS TIMELY WITH OR WITHOUT LEAVE OF COURT , by mailing a copy of same to them in the U. S. Post Office mail, with sufficient postage affixed thereto and return address clearly marked on the date indicated below:

Wesley Brian Sawyer, Esquire
Murpy & Grantland, P.A.
4406 Forest Drive #B
Columbia, SC 29206
(Attorney for Kevin Carter and Richard Davis)

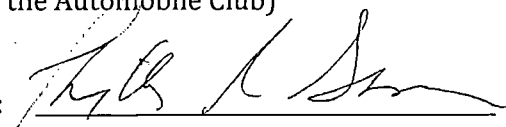
David R. Sligh
P.O. Box 2116
Myrtle Beach, SC 29578
(Attorney for Nationwide Mutual Ins. Co)

Peter H. Dworjanyn, Esquire and
Michael R. Burchstead, Esquire
Collins & Lacy, PC
1330 Lady Street, 6th Floor (29201)
Post Office Box 12487
Columbia, SC 29211
(Attorneys for Trustguard Insurance Company)

William H. Davidson II, Esquire
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P.O. Box 8568
Columbia, SC 29202
(Attorney for SC Dept. of Public Safety
and Trooper Herbert Blackwell)

Reynolds Williams
P.O. Box 1909
Florence, SC 29503-1909
(Attorney for Defendant Interinsurance Exchange of the Automobile Club)

Alexander S. Gogsette
P.O. Box 5478
Florence, SC 29502
(Attorney for Joseph Tirbovich)

By: 

Boca Raton, Florida
March 7, 2019

✓

Heidi Gersten, Ivanka Ayoub
1433 W. Lantana Rd #330
Lantana, FL 33462



7018 2290 0000 6828 0287



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29211

U.S. POSTAGE PAID
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\$15.75
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MAR 12 2019

SC Court of Appeals

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