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JUN 15 2020

**SC Court of Appeals**

Gregg Meyers  
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June 10, 2020

Jenny Abbott Kitchens  
Clerk of Court  
South Carolina Court of Appeals  
PO Box 11629  
Columbia, SC 29211

Re: Appeal in case In re Estate of Annie Mae Crosby, Case No. 2019-CP-10-1887,  
appealing Probate Case No. 2016-ES-10-02054 (Charleston County)

Dear Ms. Kitchens:

Enclosed please find my check for \$100 as the filing fee in this appeal, to accompany a notice of appeal sent to the court's email address on June 8.

In case it is helpful to the court, this appeal has been noticed out of an abundance of caution only because of a feature of the new electronic case filing system in Charleston County. Specifically, a Rule 59 motion was submitted to the trial court on May 18, the day it was due, but two days later the motion was rejected due to a format issue. That issue was immediately corrected and the re-submission was accepted the same day, May 20.

As the Efile manual seems to provide, a motion was then made on May 20 to deem the Rule 59 motion filed as of May 18. However, there has been no ruling on that motion, so the appeal was noticed on June 8. Without a ruling, on the timing motion could not presume that the court would regard that motion as timely.

In the federal e-file system this kind of problem doesn't arise, because in that system if the clerk of court has to fix a technical issue associated with a filing the clerk is apparently also empowered to accept the corrected filing as of the date of the original filing. In the state system, at least in Charleston County, the clerk of court does not have such a practice. Hence, in this instance, the need for both a motion about the timing of a rejected filing and a notice of appeal to protect my client when that filing date motion hadn't been decided as time otherwise was running out on the appeal as measured by the underlying court order.

If the state court clerks had that authority, then the Rule 59 motion would no doubt be considered timely, and the notice of appeal would have waited to be file only when the Rule 59 motion had been ruled upon.

I pass that on in case it is helpful to the court to see how certain pragmatic issues of the efile system could be improved. I hope it is helpful.

Thank you.

Sincerely,

A handwritten signature in black ink that reads "Gregg Meyers". The signature is written in a cursive, somewhat stylized font.

Gregg Meyers

Encl:-

\$100 filing fee check

Gregg Meyers  
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