

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM ANDERSON COUNTY
Court of Common Pleas
R. Scott Sprouse, Circuit Court Judge

RECEIVED
Jul 08 2020
SC Court of Appeals

Appellate Case No. 2020-000596

Don Stegall.....Respondent,

vs.

Joshua Clay Hillis, Sr.....Appellant.

APPELLANT'S MOTION FOR EXTENSION TO FILE INITIAL BRIEF AND
APPELLANT COUNSEL'S MOTION TO WITHDRAW

Appellant counsel's representation of Appellant has recently been terminated and Appellant will now represent himself in this appeal as a *pro se* litigant. Upon information and belief, Appellant's deadline to file his initial brief in this appeal is on or about July 13, 2020 and Appellant needs additional time to retain new counsel or to familiarize himself with the law in order to prepare and file an appellate brief. To that end, Appellant hereby moves for an extension to file his initial brief and Appellant's current counsel of record hereby moves to withdraw from representing Appellant. In furtherance thereof, the undersigned would state the following:

1. Appellant filed his Notice of Appeal on or about March 25, 2020.
2. While Appellant's counsel initiated a transcript request on April 3, 2020 and submitted the request form on April 6, Appellant did not receive the transcript at issue until June 10, 2020.
3. Upon information and belief, Appellant's deadline to file an initial brief is on or about July 13, 2020. See Rule 208(a)(1), SCACR (requiring appellant to file initial brief thirty days "after

receiving the transcript”); see also Rule 263(a), SCACR (stating that “the day of the act, event [...] is not to be included” in calculating SCACR deadlines and “[t]he last day of the period so computed is to be included, unless it is a Saturday, Sunday or a [...] holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor such holiday”).

4. Appellant has recently terminated his current counsel of record and, accordingly, the undersigned former attorneys for Appellant, with Appellant’s consent, hereby move to withdraw from representing Appellant in this appeal.

5. Until such time as Appellant has retained new counsel, Appellant’s address of record for the purposes of mailing and serving documents in this appeal shall be:

Joshua Clay Hillis, Sr., Appellant *Pro Se*
P.O. Box 681
Greenville, SC 29602

6. In light of the foregoing developments, Appellant needs and respectfully requests additional time to either retain new counsel or to sufficiently educate himself to prepare, file, and serve his initial brief in this appeal as a *pro se* litigant. See Rule 263(b), SCACR (“The time prescribed by these Rules for performing any act except the time for serving the notice of appeal [...] may be extended or shortened by the appellate court, or by any judge or justice thereof.”)

7. The Supreme Court has stated that COVID-19 “will increase the need for extensions to be granted[.]” Supreme Court of South Carolina’s Order “RE: Operation of the Appellate Courts During the Coronavirus Emergency” (App. Case No. 2020-000447), as amended May 29, 2020.

8. For the reasons stated above, the undersigned would aver that: (a) good cause exists to grant Appellant a thirty (30) day extension to file his initial brief; (b) that this is Appellant’s first request for an extension to file his initial brief; (c) that Appellant’s request for an extension is not

for purposes of delay but so that justice may be served; and (d) that the extension requested by Appellant is necessary for a proper development and adjudication of this appeal

9. Prior to filing this Motion, the undersigned counsel conferred with Respondent's counsel of record and, as evidenced by the email correspondence attached hereto as "Exhibit A," the Respondent consents to allowing Appellant's former attorneys to withdraw from this matter and the Respondent does not object to the Appellant's request for an extension to file his initial brief.

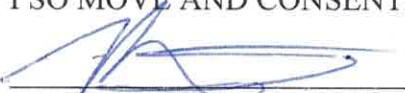
For the reasons stated above, the undersigned Appellant Joshua C. Hillis, Jr. and Appellant's former counsel respectfully moves the Court to grant this Motion and to order the following relief:

- i. Grant leave for Appellant's current counsel of record to withdraw from this appeal; and
- ii. Grant Appellant additional time to file his initial brief beyond the current deadline.

Respectfully Submitted,

I SO MOVE AND CONSENT:

BRUMBACK & LANGLEY, LLC


Joshua Clay Hillis, Sr.
Appellant, *Pro Se*
P.O. Box 681
Greenville, SC 29602

/s/ John H. Scully
Christopher T. Brumback / S.C. Bar No. 75410
Spencer D. Langley, S.C. Bar No. 77686
John H. Scully / S.C. Bar No. 100744
531 S. Main Street, Suite 307
Greenville, SC 29601
(864) 414-9097 (Phone) / (866) 728-1205 (Fax)
john@brumbacklangley.com
Former Attorneys for Appellant Joshua Clay Hillis, Jr.

July 8, 2020
Greenville, South Carolina

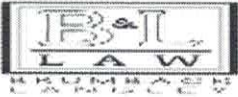
I SO CONSENT:

BANNISTER, WYATT & STALVEY, LLC

/s/ O.W. Bannister
O.W. Bannister / S.C. Bar No. 506
P.O. Box 10007
Greenville, SC 29603
(864) 298-0084 (Phone) / (864) 298-0146 (Fax)
owbannister@bannisterwyatt.com
Counsel for Respondent

July 8, 2020
Greenville, South Carolina

EXHIBIT A



John Scully <john@brumbacklangley.com>

Stegall v Hillis - Proposed Order

John Scully <john@brumbacklangley.com>

Wed, Jul 8, 2020 at 11:52 AM

To: Terri Coker <TCoker@bannisterwyatt.com>

Cc: Christian Capps <ccapps@bannisterwyatt.com>, Bill Bannister <owBannister@bannisterwyatt.com>

Thank you very much. Per my phone call with Mr. Bannister earlier today, it is my understanding you consent to the Appellant's Motion for Extension to File Initial Brief and Appellant Counsel's Motion to Withdraw. I will file this motion with the Court of Appeals today and send you a copy by email.

With regards to the trial court level, I will send you a proposed consent motion to withdraw in a subsequent email.

Thanks,

John

On Tue, Jul 7, 2020 at 2:49 PM Terri Coker <TCoker@bannisterwyatt.com> wrote:

Mr. Scully,

I will make sure Mr. Bannister reviews these documents and get back to you.

Thank you,

Terri

Terri J. Coker

Terri J. Coker, ACP, SCCP

Advanced Certified Paralegal to O. W. Bannister

BANNISTER, WYATT & STALVEY, LLC
ATTORNEYS AT LAW

24 Cleveland Street, Suite 100 (29601)

P.O. Box 10007 (29603)

Greenville, South Carolina

Phone: 864-298-0084 (main) 864-679-3214 (direct)

Fax: 864-298-0146

Email: TCoker@bannisterwyatt.com

Web: <https://bannisterandwyatt.com>

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From: John Scully <john@brumbacklangley.com>
Sent: Tuesday, July 07, 2020 2:48 PM
To: Terri Coker <TCoker@bannisterwyatt.com>
Cc: Christian Capps <ccapps@bannisterwyatt.com>; Bill Bannister <owBannister@bannisterwyatt.com>
Subject: Re: Stegall v Hillis - Proposed Order

I agree that your proposed order reflects what Judge McIntosh ruled and you can e-file the proposed order noting that I consent to the language of your proposed order.

As we have discussed, our law firm's representation of Mr. Hillis has been terminated. I am in the process of preparing motions to withdraw from the appeal and the trial court litigation. Per my earlier discussions with Christian Capps, my appellate motion and proposed order to withdraw and for a 30 day extension to file appellant's initial brief are attached to this email.

Please review these attachments and call or email me if you have any issues with this appellate motion / order or let me know if you consent to the relief requested in this appellate motion / order.

Thanks,

John

On Thu, Jul 2, 2020 at 4:35 PM Terri Coker <TCoker@bannisterwyatt.com> wrote:

Mr. Scully,

Attached is the proposed Order on our Motion to Compel which we will submit via e-filing on Monday. Please let us know if you have any changes or if you agree to the order as is.

Thank you,

Terri

Terri J. Coker

Terri J. Coker, ACP, SCCP

Advanced Certified Paralegal to O. W. Bannister

BANNISTER. WYATT & STALVEY, LLC
ATTORNEYS AT LAW

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Brumback & Langley, LLC

Attorneys and Counselors at Law

John H. Scully

531 S. Main Street, Suite 307

Greenville, SC 29601

Phone: 864-414-9097

Fax: 866-728-1205

www.BrumbackLangley.com

General & Complex Litigation, Criminal Defense, Family Law, and Estate Planning

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Brumback & Langley, LLC

Attorneys and Counselors at Law

John H. Scully

531 S. Main Street, Suite 307

Greenville, SC 29601

Phone: 864-414-9097

Fax: 866-728-1205

www.BrumbackLangley.com

General & Complex Litigation, Criminal Defense, Family Law, and Estate Planning

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APPEAL FROM ANDERSON COUNTY
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R. Scott Sprouse, Circuit Court Judge

Appellate Case No. 2020-000596

Don Stegall.....Respondent,

vs.

Joshua Clay Hillis, Sr.....Appellant.

**ORDER REGARDING
APPELLANT’S MOTION FOR EXTENSION TO FILE INITIAL BRIEF AND
APPELLANT COUNSEL’S MOTION TO WITHDRAW**

The undersigned has reviewed the Appellant’s Motion for Extension to File Initial Brief and Appellant Counsel’s Motion to Withdraw and the Court agrees to GRANT said Motion.

NOW, THEREFORE, IT IS ORDERED that:

1. Appellant is hereby granted a thirty (30) day extension to file Appellant’s initial brief;
2. John H. Scully, Esq. and Brumback & Langley, LLC has withdrawn from representing Appellant Joshua Clay Hillis, Sr. in this appeal (Stegall v. Hillis, 2020-000596);
3. Henceforth, Brumback & Langley, LLC will no longer serve as counsel of record for the Appellant in the above-referenced matter;
4. Henceforth, Appellant’s address of record for the purposes of this appeal shall be:

Joshua Clay Hillis, Sr., Appellant *Pro Se*
P.O. Box 681
Greenville, SC 29602

IT IS SO ORDERED.

The Honorable _____

_____, 2020.

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Jul 08 2020

SC Court of Appeals

**THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

APPEAL FROM ANDERSON COUNTY
Court of Common Pleas

R. Scott Sprouse, Circuit Court Judge

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Don Stegall.....Respondent.

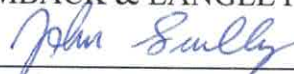
PROOF OF SERVICE

I certify that I have served the Appellant’s Motion for Extension to File Initial Brief and Appellant Counsel’s Motion to Withdraw on Respondent by sending a copy of the same to his attorney of record, O.W. Bannister, via e-mail to Mr. Bannister’s primary e-mail address listed in the Attorney Information System (AIS) on July 8, 2020 in accordance with the Supreme Court of South Carolina’s Order “RE: Operation of the Appellate Courts During the Coronavirus Emergency” (Appellate Case No. 2020-000447) as amended May 29, 2020.

Dated: July 8, 2020

Respectfully Submitted,

BRUMBACK & LANGLEY, LLC



Christopher T. Brumback / S.C. Bar No. 75410

Spencer D. Langley, S.C. Bar No. 77686

John H. Scully / S.C. Bar No. 100744

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john@brumbacklangley.com

Former Attorneys for Appellant Joshua Clay Hillis, Sr.

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Jul 08 2020

SC Court of Appeals

BRUMBACK & LANGLEY, LLC

ATTORNEYS & COUNSELORS AT LAW

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SPENCER D. LANGLEY, ESQ.

JOHN H. SCULLY, ESQ. (ASSOC.)

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BUSINESS & CORPORATE LAW
APPELLATE PRACTICE
CRIMINAL DEFENSE
ESTATE PLANNING
FAMILY LAW

July 8, 2020

SENT VIA FAX AND EMAIL TO:

South Carolina Court of Appeals
ATTN: Jenny Abbott Kitchings
P.O. Box 11629
Columbia, SC 29211
FAX: (803) 734-1839 / EMAIL: CTAppFilings@sccourts.org

With a copy VIA EMAIL TO:

Bannister, Wyatt & Stalvey, LLC
ATTN: O.W. Bannister, Esq.
owBannister@bannisterwyatt.com

Re: Notice of Withdrawal; Motion to Withdraw and For Extension; Stegall v. Hillis, 2020-000596

Good Afternoon,

Please be advised that our law firm's representation of the Appellant in the above-referenced appeal has been terminated. To that end, please see the attached consent Motion regarding the withdrawal of Appellant's counsel and Appellant's request for a thirty (30) day extension to file Appellant's initial brief.

The filing fees for this attached Motion were included in the one hundred dollar (\$100) check our law firm previously mailed your office in separate correspondence dated on July 7, 2020. I have also prepared a proposed Order granting this Motion, which is included with this filing.

At this time, Appellant will proceed with this appeal in a *pro se* capacity and Appellant's new address of record for all correspondence and other filings in this appeal is:

Joshua Clay Hillis, Sr., Appellant *Pro Se*
P.O. Box 681
Greenville, SC 29602

Court of Appeals

July 8, 2020

Page 2 of 2

In accordance with the Supreme Court of South Carolina's Order "RE: Operation of the Appellate Courts During the Coronavirus Emergency" (Appellate Case No. 2020-000447) as amended May 29, 2020, this Motion is being filed via email (CTAppFilings@sccourts.org) and facsimile to the Court of Appeals (803-734-1839) and served on opposing counsel via e-mail to his primary e-mail address listed in the Attorney Information System.

There should be fifteen (15) total pages in this fax transmission, including this page. If you do not receive all fifteen (15) pages or if you have any questions or issues with this filing, please call or email me at the contact information listed above. Thanking you for prompt attention to this matter, I am

Truly yours,



John H. Scully, Esq.

Enclosures