

Burns, LaToyla

From: Burns, LaToyla
Sent: Friday, January 15, 2021 10:12 AM
To: 'George Gallagher'
Cc: aturner; jbmims@themimslawfirm.com; hjmims@themimslawfirm.com; achase@themimslawfirm.com; adrienne.turner@gmail.com
Subject: RE: SC Court of Appeals: Jennie Cox v. Palmetto State Transportation (2019-001936)

Thank you. You too.

LaToyla Burns

Appeals Specialist
SC Court of Appeals
1220 Senate Street
Columbia, SC 29201
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From: George Gallagher <ggallagher@speed-seta.com>
Sent: Friday, January 15, 2021 10:11 AM
To: Burns, LaToyla <lburns@sccourts.org>
Cc: aturner <aturner@turnerlawsc.com>; jbmims@themimslawfirm.com; hjmims@themimslawfirm.com; achase@themimslawfirm.com; adrienne.turner@gmail.com
Subject: RE: SC Court of Appeals: Jennie Cox v. Palmetto State Transportation (2019-001936)

***** EXTERNAL EMAIL:** This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. ***

Got it. Thanks for the clarification and have a great weekend.

From: Burns, LaToyla <lburns@sccourts.org>
Sent: Friday, January 15, 2021 10:10 AM
To: George Gallagher <ggallagher@speed-seta.com>
Cc: aturner <aturner@turnerlawsc.com>; jbmims@themimslawfirm.com; hjmims@themimslawfirm.com; achase@themimslawfirm.com; adrienne.turner@gmail.com
Subject: RE: SC Court of Appeals: Jennie Cox v. Palmetto State Transportation (2019-001936)

Yes! Yes sir! That is correct!

LaToyla

From: George Gallagher <ggallagher@speed-seta.com>
Sent: Friday, January 15, 2021 10:06 AM

To: Burns, LaToyla <lburns@sccourts.org>
Cc: aturner <aturner@turnerlawsc.com>; jbmims@themimslawfirm.com; hjmims@themimslawfirm.com;
achase@themimslawfirm.com; adrienne.turner@gmail.com
Subject: RE: SC Court of Appeals: Jennie Cox v. Palmetto State Transportation (2019-001936)

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LOL. Thanks! If I understand your clarification correctly, my email cannot be considered as a Motion but a Motion is not necessarily required for the appeal to be dismissed. The Clerk may still dismiss under the Rules. Is that correct?

From: Burns, LaToyla <lburns@sccourts.org>
Sent: Friday, January 15, 2021 10:03 AM
To: George Gallagher <ggallagher@speed-seta.com>
Cc: aturner <aturner@turnerlawsc.com>; jbmims@themimslawfirm.com; hjmims@themimslawfirm.com;
achase@themimslawfirm.com; adrienne.turner@gmail.com
Subject: RE: SC Court of Appeals: Jennie Cox v. Palmetto State Transportation (2019-001936)

Mr. Gallagher,

It is okay. 😊

I am aware of Rule 260 of the appellate court rules. I just wanted to make it clear that stating a request for dismissal in an email would not suffice as a motion to be considered by the Court.

Respectfully,

LaToyla Burns

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From: George Gallagher <ggallagher@speed-seta.com>
Sent: Friday, January 15, 2021 10:00 AM
To: Burns, LaToyla <lburns@sccourts.org>
Cc: aturner <aturner@turnerlawsc.com>; jbmims@themimslawfirm.com; hjmims@themimslawfirm.com;
achase@themimslawfirm.com; adrienne.turner@gmail.com
Subject: RE: SC Court of Appeals: Jennie Cox v. Palmetto State Transportation (2019-001936)

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Ms. Burns - My apologies for the misspelling- I meant to say "shifts." I did not intend to use that profanity.

From: George Gallagher
Sent: Friday, January 15, 2021 9:56 AM
To: Burns, LaToyla <lburns@sccourts.org>
Cc: aturner <aturner@turnerlawsc.com>; jbmims@themimslawfirm.com; hjmims@themimslawfirm.com; achase@themimslawfirm.com; adrienne.turner@gmail.com
Subject: RE: SC Court of Appeals: Jennie Cox v. Palmetto State Transportation (2019-001936)

Just to follow up- SCACR 260 states, in pertinent part, “whenever it appears that an appellant or petitioner has failed to comply with the requirements of these Rules, the Clerk ***shall issue an order of dismissal, which shall have the same force and effect as an order of the appellate court.***” Respectfully, I see no authority for the proposition that the burden shifts to a respondent to incur the costs of filing a Motion to compel what the Rules themselves clearly require when an appellant fails to make timely filings per those Rules.

From: George Gallagher
Sent: Friday, January 15, 2021 9:49 AM
To: Burns, LaToyla <lburns@sccourts.org>
Cc: aturner <aturner@turnerlawsc.com>; jbmims@themimslawfirm.com; hjmims@themimslawfirm.com; achase@themimslawfirm.com; adrienne.turner@gmail.com
Subject: Re: SC Court of Appeals: Jennie Cox v. Palmetto State Transportation (2019-001936)

Shouldn't the case be dismissed by operation of law without need for a formal filing since the Initial Appellants Brief was not filed timely in accordance with the Courts prior Order and the appellate court rules?

Sent from my iPhone

On Jan 15, 2021, at 9:38 AM, Burns, LaToyla <lburns@sccourts.org> wrote:

Good Morning All,

The Court does not accept communication in emails as suffice enough to file a motion. If respondents wish to have this Court consider dismissal of this case, a formal motion must be prepared, served and filed. Please review Rule 240, SCACR and RE: Operation of the Appellate Courts During the Coronavirus Emergency (As Amended May 29, 2020) with regard to how to file with the Court of Appeals.

With regards to requesting additional time to file the appellants' initial brief and designation of matter. You must serve and file your request as done previously. Be sure opposing counsel is served. Please also see Operation of the Appellate Courts During the Coronavirus Emergency (As Amended May 29, 2020) with regard to how to file with the Court of Appeals.

Respectfully,

LaToyla Burns
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From: aturner <aturner@turnerlawsc.com>
Sent: Wednesday, January 13, 2021 12:07 PM
To: George Gallagher <ggallagher@speed-seta.com>; Burns, LaToyla <lburns@sccourts.org>;
jbmims@themimslawfirm.com; hjmims@themimslawfirm.com; aturner@turnerlawsc.com
Cc: achase@themimslawfirm.com; adrianne.turner@gmail.com
Subject: RE: SC Court of Appeals: Jennie Cox v. Palmetto State Transportation (2019-001936)

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Good morning.

The delay in filing is due to my having inadvertently miscalculated the due date. I had no intentions of seeking any further extension of time beyond what I mistakenly calculated as the Court's deadline for later this month.

I would request leave of Court to finalize and file Appellants' initial brief and designation of matter, together with a motion to file out of time, within five days of today's date, on or before Monday, January 18, 2021.

Thank you for your consideration of this request.

Adrianne Turner

Sent from my T-Mobile 4G LTE Device

----- Original message -----

From: George Gallagher <ggallagher@speed-seta.com>
Date: 1/13/21 11:17 AM (GMT-05:00)
To: "Burns, LaToyla" <lburns@sccourts.org>, aturner@turnerlawsc.com,
jbmims@themimslawfirm.com, hjmims@themimslawfirm.com
Cc: achase@themimslawfirm.com, adrianne.turner@gmail.com
Subject: RE: SC Court of Appeals: Jennie Cox v. Palmetto State Transportation (2019-001936)

Good morning folks. It appears that the deadline for filing the Appellant's initial brief and Designation of matter to be included in the Record on Appeal per the Court's latest extension until December 23, 2020 has now passed. My office has not been served with these items and or any other Motions for further extensions. Respondents have never previously opposed Appellant's requests for extensions for these filings but we now believe it is time to bring some finality to this matter. Please advise if this communication suffices for purposes of Respondents

request that this Appeal be dismissed, or if a formal filing is required. Thanks for your attention to this matter.

George D. Gallagher

Speed, Seta, Martin, Trivett & Stubley, LLC

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Columbia, SC 29211

Direct dial: (803) 748-2259

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From: Burns, LaToyla <lburns@sccourts.org>
Sent: Monday, November 23, 2020 4:23 PM
To: aturner@turnerlawsc.com; jbmims@themimslawfirm.com; hjmims@themimslawfirm.com;
George Gallagher <ggallagher@speed-seta.com>
Cc: achase@themimslawfirm.com; adrienne.turner@gmail.com
Subject: SC Court of Appeals: Jennie Cox v. Palmetto State Transportation (2019-001936)

Good Afternoon,

Attached in this email is correspondence from the Court.

Respectfully,

LaToyla Burns

Appeals Specialist

SC Court of Appeals

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