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Oct 10 2022

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Bentley Price, Circuit Court Judge

Appellate Case No. 2022-001303

Fairfield 132 Smith Street, LLC,

Respondent,

v.

Haley Surface, Hannah Glickman, Jill Surface, and Diane Glickman,

Defendants,

of whom

Haley Surface, Jill Surface and Hannah Glickman are the

Appellants.

**MOTION REQUESTING PERMISSION TO ORDER
TRANSCRIPT OUTSIDE OF THE FILING DEADLINES**

On September 14, 2022, Appellants Haley Surface and Jill Surface timely filed their Notice of Appeal. On September 16, 2022, Appellant Hannah Glickman timely filed her Notice of Appeal.

This is an appeal of a order granting summary judgment, and only one hearing occurred at the trial court level.

On September 23, 2022, the Surface Defendants filled out the transcript request form and emailed it to transcripts@sccourts.org, copying all other counsel. (Exhibit 1).

On October 5, 2022, the court reporter, Krystal J. Smith, emailed the Surface Defendants regarding the transcript request. On October 7, 2022, the Surface Defendants completed the process of ordering the transcript and paid the court reporter in advance. (Exhibit 2).

On September 29, 2022, the Court of Appeals instructed the Surface Appellants as follows:

Our records reflect that the time for ordering the transcript has expired. Within ten (10) days of the date of this letter, you must file a copy of the letter showing that you have ordered the transcript directly from the court reporter, along with a motion requesting permission to order the transcript outside of the filing deadlines set by Rule 207 of the South Carolina Appellate Court Rules (SCACR). Your appeal will be dismissed if no motion is made within ten (10) days of the date of this letter.

It appears that the Surface Appellants mistakenly did not properly notify the Court of Appeals that the sole transcript in this case was timely requested. The Surface Appellants respectfully request that the Court of Appeals grant this motion and allow this appeal to proceed.

The Surface Appellants are mailing a check in the amount of \$50.00 for the filing fee to the Court of Appeals.

/s Sean K. Trundy

Sean K. Trundy

SC Bar # 8926

Sean Kevin Trundy, LLC

Post Office Box 1275

Charleston, SC 29402

Phone: (843) 323-9098

strundy@agiftomyheirs.com

ATTORNEY FOR APPELLANTS

HALEY SURFACE AND JILL

SURFACE

Charleston, South Carolina

October 10, 2022

From: Transcripts
Sent: Friday, September 23, 2022 2:55 PM
To: Sean Trundy; Transcripts
Cc: andrew@sheplawfirm.com; Matthew Kelly
Subject: RE: Transcript request form: Fairfield 132 Smith Street vs. Surface

Request received

From: Sean Trundy <strundy@agifttomyheirs.com>
Sent: Friday, September 23, 2022 6:42 AM
To: Transcripts <transcripts@sccourts.org>
Cc: andrew@sheplawfirm.com; Matthew Kelly <mkelly@oysterrd.com>
Subject: Transcript request form: Fairfield 132 Smith Street vs. Surface

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

Dear Sir or Madam:

Attached please find a transcript request form.

Please let me know how to proceed.

Sean K. Trundy
843-323-9098

Sent from [Mail](#) for Windows

~~~ CONFIDENTIALITY NOTICE ~~~ This message is intended only for the addressee and may contain information that is confidential. If you are not the intended recipient, do not read, copy, retain, or disseminate this message or any attachment. If you have received this message in error, please contact the sender immediately and delete all copies of the message and any attachments.

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**From:** Smith, Krystal J.  
**Sent:** Friday, October 7, 2022 1:10 PM  
**To:** Sean Trundy  
**Subject:** Re: Fairfield 132 Smith Street, LLC v. Surface - Case No. 2019-CP-10-06387

Thanks!

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**From:** Sean Trundy <strundy@agifttomyheirs.com>  
**Sent:** Friday, October 7, 2022 1:09:00 PM  
**To:** Smith, Krystal J. <krsmith@sccourts.org>  
**Subject:** RE: Fairfield 132 Smith Street, LLC v. Surface - Case No. 2019-CP-10-06387

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

None. This is already on appeal, so my briefing date will be triggered by when I receive the transcript.

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**From:** [Smith, Krystal J.](#)  
**Sent:** Friday, October 7, 2022 1:07 PM  
**To:** [Sean Trundy](#)  
**Subject:** Re: Fairfield 132 Smith Street, LLC v. Surface - Case No. 2019-CP-10-06387

Okay. I got the payment. You are officially ordered. Do you have any upcoming court dates or deadlines or appeal dates? We have 60 days and can get extensions. So I need to know about any hard deadlines.

Thanks, Krystal

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**From:** Smith, Krystal J. <krsmith@sccourts.org>  
**Sent:** Friday, October 7, 2022 1:03:23 PM  
**To:** Sean Trundy <strundy@agifttomyheirs.com>  
**Subject:** Re: Fairfield 132 Smith Street, LLC v. Surface - Case No. 2019-CP-10-06387

I got an email here that you sent me money. However, I do not use this email on my Venmo so I do not see how to link the two.

Can you cancel that transfer and send it to @Krys413 with last four of phone number being 7551?

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**From:** Sean Trundy <strundy@agifttomyheirs.com>  
**Sent:** Friday, October 7, 2022 12:57:29 PM  
**To:** Smith, Krystal J. <krsmith@sccourts.org>  
**Subject:** RE: Fairfield 132 Smith Street, LLC v. Surface - Case No. 2019-CP-10-06387

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

Ms. Smith,

I just used Venmo to send \$106.25 to your email address. Please let me know if it has been received.

Thank you.

Sean Trundy

Sent from [Mail](#) for Windows

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**From:** [Smith, Krystal J.](#)  
**Sent:** Wednesday, October 5, 2022 3:49 PM  
**To:** [Sean Trundy](#)  
**Cc:** [Transcripts](#)  
**Subject:** Re: Fairfield 132 Smith Street, LLC v. Surface - Case No. 2019-CP-10-06387

Mr. Trundy,

I am the state court reporter who has been forwarded your transcript request in the above referenced matter. Based upon my review of the records, it appears this transcript will be approximately 25 pages long.

As such, a deposit is required in the amount of \$106.25 (25 pages x \$4.25 per page) prior to production of the transcript. A money order can be made out to me and sent to me for this deposit or I can accept payment by Venmo or Paypal if you prefer. If the transcript is less than 25 pages, you will be sent a refund of the overpayment with the transcript.

If you have any questions, please let me know.

Thanks,  
Krystal J. Smith  
P.O. Box 13563  
Florence, SC 29504

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