

**RECEIVED**

**Dec 16 2022**

**SC Court of Appeals**

**THE STATE OF SOUTH CAROLINA  
In The Court of Appeals**

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**APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas**

The Honorable R. Markley Dennis, Jr., Circuit Court Judge

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Case No. 2021-CP-10-004154

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Nicole Quinta Murray, Appellant,

v.

Linda P. Smith, Respondent.

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**MOTION TO REMAND TO RECONSTITUTE THE RECORD**

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Appellant hereby moves pursuant to Rule 240, SCACR, to remand this matter to the Charleston County Court of Common Pleas in order that the Court may either reconstitute the record in this matter or hold a new hearing thereon. In support, Appellant states:

1. The matter on appeal is an appeal of a Magistrate Court judgment.
  2. The appeal was heard in the Charleston County Court of Common Pleas by the Honorable R. Markley Dennis, Jr. on April 20, 2022 via WebEx.
  3. Appellant received written notice of the Judgment in the matter on May 12, 2022.
  4. Appellant filed the Notice of Appeal in this matter the same day, May 12, 2022.
  5. Appellant filed Motion for Extension of Time to Order Transcript on June 6, 2022;
- a file-stamped copy of that Motion is attached to this Motion as *Exhibit A*.

6. Appellant's Motion for Extension of Time was granted on June 9, 2022; a file-stamped copy of that Order is attached to this Motion as *Exhibit B*.

7. On August 17, 2022, Appellant notified the Office of Court Administration by letter that more than sixty (60) days had elapsed since Appellant's request for the transcript was made and received, but that neither a transcript nor an extension of time to produce the transcript had been received. A copy of that letter is attached to this Motion as *Exhibit C*.

8. In response to that letter, Appellant's counsel was contacted by the Office of Court Administration and informed that, after a diligent search, the Office of Court Administration could find no recording of the WebEx hearing of the underlying matter; the Office of Court Administration advised that it appeared the Judge hearing the underlying matter failed to properly record the proceedings and therefore no record was made.

9. It appears that no record of the underlying proceeding in this matter exists and that there is nothing for this Court to review at the present time.

WHEREFORE, the Appellant prays that this Court enter an order remanding this matter to the Court of Appeal to either reconstitute the record or hold a new hearing and for such further relief as this Court deems just and proper.

Respectfully submitted,

*/s/ Jeffrey W. Kuykendall* \_\_\_\_\_  
Jeffrey W. Kuykendall – Attorney at Law  
S.C. Bar No. 102538  
127 King St., Ste. 208  
Charleston, SC 29401  
Phone: (843) 790-5182  
Facsimile: (866) 733-1909  
Jwkuykendall@jwklegal.com  
*Attorney for Appellant*

At Charleston, South Carolina  
This the 16th day of December, 2022.

**RECEIVED**

**Jun 06 2022**

**SC Court of Appeals**

**THE STATE OF SOUTH CAROLINA  
In The Court of Appeals**

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APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

The Honorable R. Markley Dennis, Jr., Circuit Court Judge

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Case No. 2021-CP-10-004154

---

Nicole Qunita Murray, Appellant,

v.

Linda P. Smith, Respondent.

---

MOTION FOR EXTENSION OF TIME TO ORDER TRANSCRIPT

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Appellant hereby moves pursuant to Rule 263(b), SCACR, for permission to order the transcript of the underlying proceeding outside of the filing deadlines set by Rule 207 of the South Carolina Appellate Court Rules.

Appellant filed the Notice of Appeal in this action on May 12, 2022, the date of both filing and receipt of the Order on Appeal from the Circuit Court. At the time of filing, Appellant's Counsel was out of the office on paternity leave. Though not directly applicable to the instant appeal, counsel had sought and obtained an Order of Protection from Court Appearance from the Chief Administrative Judge for the Charleston County Court of Common Pleas, a copy of which is attached as *Exhibit A*. Appellant's Counsel has subsequently ordered the transcript prior the filing of this Motion. A copy of counsel's communication with the WebEx transcript request email address is attached to this Motion as *Exhibit B*. A copy of the completed transcript request form

ordering the WebEx transcript is attached to this Motion as *Exhibit C*. Appellant's counsel believes that there is good cause to grant the requested extension to order the transcript.

WHEREFORE, the Appellant prays that this Court enter an order permitting Appellant to order the transcript outside of the filing deadlines see by Rule 207 of the South Carolina Appellant Court Rules and for such further relief as this Court deems just and proper.

Respectfully submitted,

*/s/ Jeffrey W. Kuykendall* \_\_\_\_\_  
Jeffrey W. Kuykendall – Attorney at Law  
S.C. Bar No. 102538  
127 King St., Ste. 208  
Charleston, SC 29401  
Phone: (843) 790-5182  
Facsimile: (866) 733-1909  
Jwkuykendall@jwklegal.com  
*Attorney for Appellant*

At Charleston, South Carolina  
This the 6th day of June, 2022.

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOR THE NINTH JUDICIAL CIRCUIT
COUNTY OF CHARLESTON	)	
	)	
	)	
IN RE:	)	
JEFFREY WILLIAM KUYKENDALL	)	<u>ORDER OF PROTECTION</u>
	)	
_____	)	

IT APPEARING TO THE COURT that Jeffrey William Kuykendall, Esq., is in need of protection of this Court from being called to hearings, trials or depositions from May 9, 2022 through June 3, 2022, as his wife scheduled to be induced to deliver a child on May 6, 2022.

IT FURTHER APPEARING TO THE COURT that Jeffrey William Kuykendall is counsel of record in the following cases in Charleston County Family Court, which do not have hearings or trials scheduled at the time of this Order:

- Brown Ancrum v. Berry, et. al, 2021-CP-10-2624*
- M4 Spartan, LLC v. Malecki, 2019-CP-10-3872*
- Murray v. Smith, 2021-CP-10-3327*
- Murray v. Smith, 2021-CP-10-4154*
- Carbucks of Carolina, Inc. v. Quinton Wright, 2020-CP-10-3588*
- Quicken Loans v. D. John Bernard LeBoeuf, 2022-CP-10-204*
- William McKinley v. United Solar, Inc., 2021-CP-10-5307*
- Carolyn Gilliard v. Alexander Andrew Flynn, et al., 2021-CP-10-4788*

IT IS THEREFORE ORDERED, that Jeffrey William Kuykendall, Esq. is granted protection of the Court from being called to any hearings or to try any cases in the Charleston County Family Court on the above referenced dates. This Order shall not apply to matters scheduled prior to the date of this Order.

AND IT IS SO ORDERED!

\_\_\_\_\_  
 Chief Administrative Judge  
 Ninth Judicial Circuit

Charleston, South Carolina  
 March \_\_\_\_\_, 2022



Charleston Common Pleas

**Case Caption:** Katrina Brown Ancrum VS Levy W Berry , defendant, et al

**Case Number:** 2021CP1002624

**Type:** Order/Protection from Court Appearance

So Ordered

s/Jennifer B. McCoy #2764



Jeffrey Kuykendall &lt;jwkuykendall@jwklegal.com&gt;

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**Murray v. Smith, 2020-CP-10-004154; Date of Hearing April 20, 2022**

2 messages

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**Jeffrey Kuykendall** <JWKuykendall@jwklegal.com>  
To: transcripts@sccourts.org

Mon, Jun 6, 2022 at 1:06 PM

To Whom It May Concern,

On April 20, 2022, the above case was heard before the Honorable R. Markley Dennis, Jr., Circuit Court Judge, in Charleston County. The hearing took place on WebEx. Can you please provide the estimated cost to transcribe the transcript of these proceedings?

Respectfully,

**Jeffrey W. Kuykendall****Attorney at Law**

127 King St., Ste. 208

Charleston, SC 29401

843.790.5182 (direct)

866.733.1909 (facsimile)

[Jwkuykendall@jwklegal.com](mailto:Jwkuykendall@jwklegal.com)

Confidentiality Disclaimer: This email and any attachments are private communications sent by an attorney, and may contain confidential or legally privileged information meant solely for the intended recipient. If you are not the intended recipient, please notify the sender and delete this email. Thanks.

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**Jeffrey Kuykendall** <JWKuykendall@jwklegal.com>  
To: transcripts@sccourts.org

Mon, Jun 6, 2022 at 3:59 PM

Please find attached the Transcript Request form for the above-referenced matter. I appreciate your attention to this matter.

Sincerely,

**Jeffrey W. Kuykendall****Attorney at Law**

127 King St., Ste. 208

Charleston, SC 29401

843.790.5182 (direct)

866.733.1909 (facsimile)

[Jwkuykendall@jwklegal.com](mailto:Jwkuykendall@jwklegal.com)

Confidentiality Disclaimer: This email and any attachments are private communications sent by an attorney, and may contain confidential or legally privileged information meant solely for the intended recipient. If you are not the intended recipient, please notify the sender and delete this email. Thanks.

[Quoted text hidden]

**Transcript Request Form.pdf**

278K

## Transcript Request Form

Pursuant to Rule 207 and 607 of the South Carolina Appellate Court Rules, the transcribed paper copy is the official record of court proceedings. You may request a transcript by completing this form and emailing it to the Court Reporter and to South Carolina Court Administration at [transcripts@sccourts.org](mailto:transcripts@sccourts.org). Click [here](#) for instructions on how to find the court reporter's email and mailing addresses. Once the court reporter receives your request, it will be processed pursuant to Rule 207 and 607 of the SCACR. Rule 607(h) governs the fees for transcripts, which are not provided for free or at reduced rates to **any** party. Please send by mail a money order or certified bank check to the court reporter in order to obtain the transcript. Some court reporters may accept personal checks. Please check with the court reporter to see if this option is available. Once your request is received, you will receive a copy of this form with the bottom portion completed. Please promptly submit your payment in order for the transcript to be provided. If you need to cancel the transcript request for any reason, you are responsible for paying for the pages of the transcript that have already been completed at the time of the cancellation.

Requestor's Information			
<b>Full Name</b> <u>Jeffrey W. Kuykendall</u>	<b>Phone Number</b> <u>843.790.5182</u>	<b>Email Address</b> <u>Jeff@jwklegal.com</u>	
<b>Mailing Address</b> <u>127 King St., Ste. 208</u>	<b>City</b> <u>Charleston</u>	<b>State</b> <u>SC</u>	<b>Zip Code</b> <u>29401</u>
Transcript Information			
<b>Docket Number</b> <u>2021-CP-10-004154</u>	<b>Case Caption</b> (i.e. State v. John Doe or Smith v. Smith) <u>Nicole Qunita Murray v. Linda P. Smith</u>		
<b>Date(s) of Proceeding</b> <u>April 20, 2022</u>	<b>Circuit</b> <input checked="" type="checkbox"/> <b>Family</b> <input type="checkbox"/>	<b>County</b> <u>Charleston</u>	
<b>Presiding Judge</b> <u>R. Markley Dennis, Jr.</u>	<b>Expedited</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
<b>Court Reporter(s)</b> <u>WebEx</u>	<b>Opposing Counsel</b> <u>Jason Scott Luck, Esq.</u>		

**Requestor's Signature:** /s/ Jeffrey W. Kuykendall  
(Typed name will serve as signature)

**Date:** June 6, 2022

**Note:** If you are ordering a transcript pursuant to Rule 207(a)(1), SCACR, you must contemporaneously furnish all parties, the Office of Court Administration, and the clerk of the appellate court with copies of all correspondence with the court reporter.

For Court Reporter Use Only			
<b>Full Name</b> _____	<b>Date Received</b> _____	<b>Email Address</b> _____	
<b>Notice of Estimate to Requestor Party</b> Date: _____ Number of Pages: _____ Estimated Amount _____			
<b>Mailing Address for Payment</b> _____	<b>City</b> _____	<b>State</b> _____	<b>Zip Code</b> _____

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Jun 06 2022

SC Court of Appeals

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

The Honorable R. Markley Dennis, Jr., Circuit Court Judge

Case No. 2021-CP-10-004154

Nicole Qunita Murray, Appellant,

v.

Linda P. Smith, Respondent.

PROOF OF SERVICE

The undersigned hereby certifies that he served counsel for the Respondent, Linda P. Smith, through its attorney, Jason Scott Luck, with a copy of the *Motion for Extension of Time to Order Transcript*, and a copy of the undersigned's correspondence with the court reporter order a transcript by emailing a copy to counsel for Respondent at the primary email address listed for counsel in the South Carolina Attorney Information System (AIS):

Jason@luck.law

/s/ Jeffrey W. Kuykendall

Jeffrey W. Kuykendall – Attorney at Law

At Charleston, South Carolina  
This the 6<sup>th</sup> day of June, 2022

**JEFFREY W. KUYKENDALL**  
**ATTORNEY AT LAW**

127 King St.  
Suite 208  
Charleston, SC 29401

Phone: 843.790.5182  
Facsimile: 866.733.1909  
Jwkuykendall@jwklegal.com

June 6, 2022

*Via Email and U.S. Mail*  
Honorable Jenny A. Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211  
ctappfilings@scccourts.org

**RECEIVED**  
**Jun 06 2022**  
**SC Court of Appeals**

Re: *Nicole Quinta Murray v. Linda P. Smith*  
*Charleston County Case No. 2021-CP-10-004154*  
*Appellate Case No. 2022-000644*

Dear Ms. Kitchings:

Enclosed please find a Motion of Extension of Time to Order Transcript, exhibits to the Motion for Extension of Time, and a copy of the correspondence with the court reporter in the underlying matter for filing in the above-referenced case. We have also enclosed the Proof of Service and the required \$50.00 filing fee. Thank you for your assistance in this matter.

Sincerely,



Jeffrey W. Kuykendall

Enclosures (as stated)

cc: Jason Scott Luck, Esq. (w/enclosures)

# The South Carolina Court of Appeals

Nicole Quinta Murray, Appellant,

v.

Linda P. Smith, Respondent.

Appellate Case No. 2022-000644

The Honorable R. Markley Dennis, Jr.  
Charleston County  
Trial Court Case No. 2021CP1004154

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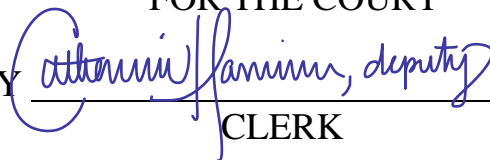
## ORDER

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Appellant moves the Court for an order to extend the time to serve and file the transcript request. The transcript request has been served and filed. Accordingly, the motion is granted.

FOR THE COURT

BY

  
CLERK

Columbia, South Carolina

cc:  
Jeffrey William Kuykendall, Esquire  
Jason Scott Luck, Esquire

**FILED**  
**Jun 09 2022**

**JEFFREY W. KUYKENDALL**  
**ATTORNEY AT LAW**

127 King St.  
Suite 208  
Charleston, SC 29401

Phone: 843.790.5182  
Facsimile: 866.733.1909  
Jeff@jwklegal.com

August 17, 2022

*Via Facsimile and U.S. Mail*  
S.C. Office of Court Administration  
1220 Senate Street  
Suite 200  
Columbia, SC 29201

Re: *Nicole Qunita Murray v. Linda P. Smith*  
*Charleston County Court of Common Pleas Case No. 2021-CP-10-004154*  
*South Carolina Court of Appeals Case No. 2022-000644*

To Whom it May Concern:

I represent the Appellant, Nicole Qunita Murray, in the above-referenced appeal to the South Carolina Court of Appeals from the Charleston County Court of Common Pleas. The matter in the Charleston County Court of Common Pleas was heard by the Honorable R. Markley Dennis, Jr. on April 20, 2022 via WebEx. On June 6, 2022, I submitted a transcript request to [Transcripts@sccourts.org](mailto:Transcripts@sccourts.org); I received confirmation that the request had been received on June 7, 2022. I have attached a copy of my correspondence to this letter. More than sixty (60) days have elapsed since the request was made and received; my office has neither received the transcript nor notification of an extension of time to produce the transcript. Accordingly, pursuant to Rule 207 of the South Carolina Appellate Court Rules, I am hereby notifying the Office of Court Administration, as well as the Clerk of the Appellate Court, the court reporter, and opposing counsel in writing. Please advise as to any additional action my office can take or information that can be provide to expedite this matter.

Sincerely,



Jeffrey W. Kuykendall

cc: Clerk of Court of Appeals (via Electronic Filing)  
Court Reporter, [Transcripts@sccourts.org](mailto:Transcripts@sccourts.org) (via Email Only)  
Jason Scott Luck, Esq. (via Email only)

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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Dec 16 2022

SC Court of Appeals

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

The Honorable R. Markley Dennis, Jr., Circuit Court Judge

Case No. 2021-CP-10-004154

Nicole Qunita Murray, Appellant,

v.

Linda P. Smith, Respondent.

PROOF OF SERVICE

The undersigned hereby certifies that he served counsel for the Respondent, Linda P. Smith, through its attorney, Jason Scott Luck, with a copy of the *Motion to Remand to Reconstitute the Record*, and a copy of the undersigned's correspondence with the court reporter order a transcript by emailing a copy to counsel for Respondent at the primary email address listed for counsel in the South Carolina Attorney Information System (AIS):

Jason@luck.law

/s/ Jeffrey W. Kuykendall

Jeffrey W. Kuykendall – Attorney at Law

At Charleston, South Carolina  
This the 16<sup>th</sup> day of December, 2022

**JEFFREY W. KUYKENDALL**  
**ATTORNEY AT LAW**

127 King St.  
Suite 208  
Charleston, SC 29401

Phone: 843.790.5182  
Facsimile: 866.733.1909  
Jeff@jwklegal.com

December 16, 2022

**RECEIVED**  
**Dec 16 2022**  
**SC Court of Appeals**

*Via Email and U.S. Mail*  
Honorable Jenny A. Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211  
ctappfilings@scccourts.org

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*Charleston County Case No. 2021-CP-10-004154*  
*Appellate Case No. 2022-000644*

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Sincerely,



Jeffrey W. Kuykendall

Enclosures (as stated)

cc: Jason Scott Luck, Esq. (w/enclosures)