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Feb 07 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas
Jennifer McCoy
Circuit Court Judge

Charleston County Court of Common Pleas
Case No. 2022-CP-10-02345

WILLIAM M. ROSS and KELLI S. ROSS.....Appellant

v.

THE PRESERVE II AT FENWICK HALL
PROPERTY OWNERS ASSOCIATION INC.....Respondents

APPELLANT's
MOTION FOR EXTENSION OF TIME

Appellant filed and served a notice of appeal in this matter on January 20, 2023. On that day, and on at least two other occasions, attorney for the Appellant phoned the office of the Charleston County Clerk of Court to request the name and identity of the court reporter for the hearings in this case and was unable to reach a live person, or the person who could provide the requested information was unavailable.


Appellant's counsel believed that he had 30 days to successfully order the transcript, rather than 10 days, under Rule 207. This was the result of a mistaken recollection regarding the different timeframes for ordering transcripts in appeals from the Court of Common Pleas and the Court of General Sessions.

On February 7, 2023, Appellant's counsel received a letter of the same date from the Court of Appeals requesting an update of the status of the transcript within 10 days. That same day, Appellants counsel conferred with the office of the Court of Common Pleas for Charleston County again, and was told that the clerks office did not know the identity of the court reporter(s) but that the transcript order should be addressed via email to transcripts@sccourts.org. Appellant's counsel requested further information but was told that the clerk's office did not have any additional information. Appellant's counsel emailed the enclosed request to transcripts@sccourts.org on February 7, 2023; and filed this motion and proposed order with the Court of Appeals via US Mail.

The Respondent suffers no prejudice as a result of the Appellant's motion for extension of time being granted, as the order for the transcript was served only 18 days after the filing of the notice of appeal; and no other activity has transpired in the case.

THEREFORE I MOVE; that the Appellant's motion be granted and the time for ordering the transcript and filing proof of ordering with the Court be extended; and that the ordering of the transcript on February 7, 2023 via email to transcripts@sccourts.org be deemed timely.

I SO MOVE.



Eric B. Laquiere, Esq.
3674 Old Charleston Hwy
Johns Island, SC 29455
843-556-2958
eric@laqlaw.com
Attorney for the Appellant

Charleston, South Carolina
February 7, 2023

Eric Laquiere

From: Eric Laquiere
Sent: Tuesday, February 7, 2023 2:10 PM
To: transcripts@sccourts.org
Cc: J. Barnwell Fishburne Jr.; Kevin W. Mims (Work)
Subject: transcript order for purpose of use on appeal to Court of Appeals - 3Charleston County
2022-CP-10-02345 Ross v Preserve II at Fenwick
Attachments: 2023.02.07 Transcript Order.pdf

Dear Sir or Ms.

Charleston County was unable to identify the name of any court reporters associated with the hearings in this case and instructed me to send my transcript order to this email address.

Best Regards,

Eric B. Laquiere
Laquiere Legal Services LLC
843-556-2958
eric@laqlaw.com

Laquiere Legal Services LLC
3674 Old Charleston Hwy
Johns Island, SC 29455



Office: 843-556-2958
Cell: 843-696-6155
eric@laqlaw.com

February 7, 2023

Via Email

Unidentified Court Reporter
South Carolina Judicial System
transcripts@sccourts.org

File Number: 2200138
Case Number: Charleston County 2022-CP-10-02345 Ross v Preserve II at Fenwick Hall
RE: Request of Transcripts for Case upon appeal to the South Carolina Court of Appeals

Dear Sir or Ms.:

I am writing to request a copy of the transcript of proceedings for the following hearings in the case of:
Charleston County 2022-CP-10-02345 Ross v Preserve II at Fenwick Hall

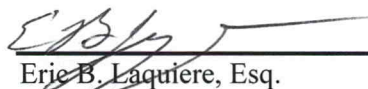
1. June 14, 2022, Judge McCoy via webex
2. September 7, 2022. Judge McCoy via webex
3. January 18, 2023, Judge Young live in Courtroom 3B

Today I spoke with the Charleston County Clerk of Court's office and they were unable to identify a court reporter for any of the above referenced hearings except to direct me to send a general request to transcripts@sccourts.org. I agree to pay the cost of transcription required by statute.

Should you have any questions, please feel free to contact me at 843-556-2958.

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SC Court of Appeals

Sincerely,


Eric B. Laquiere, Esq.
Laquiere Legal Services LLC

CC: court of appeals, opposing counsel

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APPEAL FROM CHARLESTON COUNTY
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Case No. 2022-CP-10-02345


WILLIAM M. ROSS and KELLI S. ROSS.....Appellant

v.

THE PRESERVE II AT FENWICK HALL
PROPERTY OWNERS ASSOCIATION INC.....Respondents

APPELLANT's NOTICE
TRANSCRIPT WAS ORDERED ON FEBRUARY 7, 2023

Appellants counsel conferred with the office of the Court of Common Pleas for Charleston County and was told that the clerks office did not know the identity of the court reporter(s) but that the transcript order should be addressed via email to transcripts@sccourts.org. Appellant's counsel requested further information but was told that the clerk's office did not have any additional information. Appellant's counsel emailed the enclosed request to transcripts@sccourts.org on February 7, 2023.


Eric B. Laquiere, Esq.
3674 Old Charleston Hwy
Johns Island, SC 29455
843-556-2958

eric@laqlaw.com
Attorney for the Appellant

Charleston, South Carolina
February 7, 2023

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas
Jennifer McCoy
Circuit Court Judge

Charleston County Court of Common Pleas
Case No. 2022-CP-10-02345

WILLIAM M. ROSS and KELLI S. ROSS.....Appellant

v.

THE PRESERVE II AT FENWICK HALL
PROPERTY OWNERS ASSOCIATION INC.....Respondents

ORDER GRANTING
APPELLANT's
MOTION FOR EXTENSION OF TIME

Appellant did not serve an order for a transcript of the testimony and proceedings of the Circuit Court within 10 days of the date of service of the notice of intention to appeal. This Court notified Appellate on February 7, 2023 to file a motion requesting permission to order the transcript outside of the filing deadlines set by Rule 207 along with a copy of the letter to the court reporter within the following 10 days or the appeal would be dismissed. Appellate filed a motion for extension of time that same day and included a copy of Appellant's letter requesting the transcripts to transcripts@sccourts.org. Appellant's letter indicated that the Charleston County Clerk of Court staff was unwilling or was unable to identify the name of the Court Reporter; and as a result Appellant emailed a request to transcripts@sccourts.org on February 7, 2023.

IT IS THEREFORE ORDERED; that the Appellant's motion is granted and that the time period for ordering the transcript of testimony is extended and the Appellant's order, transmitted on February 7, 2023 is deemed timely.

IT IS SO ORDERED.

The Honorable
Court of Appeals for the State of South
Carolina

Charleston, South Carolina
February____, 2023

Laquiere Legal Services LLC
3674 Old Charleston Hwy
Johns Island, SC 29455



Office: 843-556-2958
Cell: 843-696-6155
eric@laqlaw.com

February 7, 2023

Via Email

SC Court of Appeals
Clerk of Court
1220 Senate Street
Columbia, SC 29201
ctappfilings@sccourts.org

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Feb 07 2023

SC Court of Appeals

Via Email

South Carolina Office of Court Administration
1220 Senate Street, Ste 201
Columbia, SC 29201
transcripts@sccourts.org

File Number: 2200138
Case Number: Appeal from Ross v Preserve II 2022-CP-10-02345
RE: Motion and order for extension of time to order transcript and notice of service of order for transcript

Dear Sir/Madame:

Enclosed please find the following:

1. Motion for extension of time
2. copy of order for transcript dated February 7, 2023
3. proposed order for extension of time
4. Notice of service of order for transcript

Should you have any questions, please feel free to contact me at 843-556-2958.

Sincerely,


Eric B. Laquiere, Esq.
Laquiere Legal Services LLC

CC: opposing counsel