

February 9, 2023

**VIA U.S. MAIL AND EMAIL: [ctappfilings@sccourts.org](mailto:ctappfilings@sccourts.org)**

Ms. Jenny Abbott Kitchings  
Clerk of the South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

South Carolina Office of Court Administration  
1220 Senate Street, Suite 200  
Columbia, SC 29201

**Re: Bill R. Sharpe, et al. v. Rocky Rutherford, et al.**

Appellate No.: 2023-000060  
Our File No.: 6060-0002

Dear Ms. Kitchings:

This letter is in response to the letter from the Court dated February 6, 2023 concerning the hearing transcript. On January 17, 2023, Appellants filed their Notice of Appeal. Appellants are appealing: (1) the Circuit Court's December 9, 2022 Order granting Respondents' Motion for Summary Judgment as to the issue of liability alone; and (2) the Circuit Court's January 10, 2023 Order denying their Motion to Reconsider. With respect to Respondents' Motion for Summary Judgment, the Circuit Court held a hearing on November 29, 2022. On November 30, 2022 – more than a month before filing the Notice of Appeal, Appellants ordered a transcript of this hearing. The email to the court reporter and transcript request are attached hereto. Appellants received a copy of the transcript on December 5, 2022, also more than a month before they filed the Notice of Appeal. With respect to Appellants' Motion to Reconsider, the Circuit Court did not hold a hearing.

According to the case manager, since Appellants ordered the transcript before this Appeal began, no motion requesting to order the transcript outside of time is needed. If there is any additional information or documentation the Court requires, please let us know.

With warm personal regards, I am

Sincerely yours,

*s/Phillip Florence, Jr.*

Phillip Florence, Jr.

PF/mw

Enclosures: Email to Court Reporter/Transcript Request Form  
cc: Gary Walton Popwell, Jr., Esquire (via email)

**RECEIVED**  
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**SC Court of Appeals**