

RECEIVED

May 11 2023

SC Court of Appeals

IN THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas
Courtney Clyburn Pope, Circuit Court Judge

Appellate Case No. 2023-000581

James Ware, Alisa Ware, Henry Spahr, Elaine Spahr,
Julie Sanders, William Craig Denny, Jeff Toomer,
Allyson Toomer, Louise E. Davis, Donna Nutty,
Thomas J. MacDonald, Michael G. MacDonald,
Susanne B. MacDonald, Arlene Coleman,
William H. McGee, Patti M. MacDonald, Scott M. MacDonald,
Rose F. McGee, Jason DuBose, Amanda DuBose,
Ronald L. Broome, Lawrence E. Jones, D. Diane Burr,
Mark H. Thomas, Kelly C. Thomas, William Matthew Yollo,
Nancy H. Yollo, Joseph DeAngelis, Beth DeAngelis, Shelly Horn,
Theodore Brammer, Allison Brammer, Waymon W. Durden,
Constance C. Durden, David C. Powell, Plaintiffs/Respondents,

v.

Beaufort County, HPCCA Ferry Company, Inc.,
and The Daufuskie Island Ferry Service, LLC, Defendants,

Of Whom Beaufort County is the Defendant/Appellant.

RETURN TO CORRESPONDENCE OF
CLERK OF COURT CONCERNING TIMELINESS OF
APPELLANT ORDERING TRANSCRIPT

In response to the May 2, 2023, correspondence of the Clerk of Court concerning the timeliness of the undersigned's ordering of the transcript, the undersigned represents to the Court that the transcript was timely requested.

Following the filing and service of the Notice of Appeal on April 6, 2023, the undersigned and his assistant requested the transcript from the Circuit Court WebEX by e-mail dated and sent on April 10 (Exhibit 1), subsequently on that date received an e-mail and Transcript Request Form from the Court Reporter Manager of the South Carolina Judicial Branch (Exhibit 2), completed and returned the Transcript Request Form on that date (Exhibit 3), and received an acknowledgement of receipt from that office on that date (Exhibit 4).

The undersigned and the Appellant Beaufort County respectfully request that this Court accept and acknowledge the transcript request as timely made for this appeal.

May 10, 2023

s/Danny C. Crowe

Danny C. Crowe, SC Bar #1480

CROWE LAFAVE GARFIELD & BAGLEY, LLC

2019 Park Street

Columbia, SC 29201

803-724-5728

danny@crowelafave.com

Attorneys for Defendant/Appellant Beaufort County

Danny C. Crowe+
Matthew C. LaFave+
Mary D. LaFave+
Robert D. Garfield
Lee Ellen Bagley*


CROWE LAFAVE
GARFIELD & BAGLEY

ATTORNEYS AT LAW

Steven R. Spreeuwers
Laura R. Baer
Douglas E. Leadbitter
Samuel C. McGlothlin

*Certified Mediator

*Also Licensed in NC

April 10, 2023

Via E-Mail to transcripts@sccourts.org

Circuit Court WebEx
1220 Senate Street, Suite 200
Columbia, SC 29201

Re: James Ware, et al. v. Beaufort County; HPCCA Ferry Company, Inc.;
and The Daufuskie Island Ferry Service, LLC
Civil Action No. 2021-CP-07-01078

Dear Sir or Madam:

On January 5, 2023, motion hearings were heard before the Honorable Courtney Clyburn Pope via WebEx regarding the above-referenced matter. It is my understanding that we are to direct requests for transcripts of WebEx hearings through the e-mail address shown above.

I am requesting a copy of the hearing transcript from the above-referenced motion hearings. Please feel free to email the transcript to me at danny@crowelafave.com or to my assistant, Denise Brockwell, at denise@crowelafave.com. If you have any questions or need additional information, please do not hesitate to contact us.

With kind regards,

Danny C. Crowe

Danny C. Crowe

DCC/dmb

cc: S.C. Court Administration (via US Mail)
Thomas C. Taylor, Esquire (via e-mail)
Robert M. Deeb, Jr., Esquire (via e-mail)

Subject: RE: Civil Action No. 2021-CP-07-01078; James Ware, et al. v. Beaufort County, et al.
Date: Monday, April 10, 2023 at 11:59:06 AM Eastern Daylight Time
From: Transcripts
To: Denise Brockwell, Transcripts
CC: Danny Crowe, Tom Taylor, rdeeb@ns-lawfirm.com, donna@thomastaylorlaw.com
Attachments: image002.jpg, SCCA800.docx

Good morning Denise.

Please complete the attached transcript request form and send the form back to transcripts@sccourts.org

Thank you.

Tammie M. Holmes
Court Reporter Manager
South Carolina Judicial Branch
1220 Senate Street, Ste. 200
Columbia, SC 29201
tholmes@sccourts.org
803-734-1825

From: Denise Brockwell <Denise@crowelafave.com>
Sent: Monday, April 10, 2023 9:56 AM
To: Transcripts <transcripts@sccourts.org>
Cc: Danny Crowe <danny@crowelafave.com>; Tom Taylor <tom@thomastaylorlaw.com>; rdeeb@ns-lawfirm.com; donna@thomastaylorlaw.com
Subject: Civil Action No. 2021-CP-07-01078; James Ware, et al. v. Beaufort County, et al.

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

Good morning,

Please find attached correspondence requesting the transcript of motion hearings heard via WebEx on January 5, 2023, in the above-referenced matter.

Thank you.

Denise M. Brockwell
Paralegal
2019 Park Street
Columbia, SC 29201
Main: 803.724.5729
Direct: 803.888.3936



South Carolina Judicial Branch

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/Transcriptionist and to South Carolina Court Administration at transcripts@sccourts.org. If WebEx or DCRP were used to capture the record, please indicate below and send the form to transcripts@sccourts.org.

Requestor's Information			
Full Name		Law Firm/Agency	Phone Number
Email Address		Mailing Address	
Is the requestor a party in the case? <input type="checkbox"/> Yes <input type="checkbox"/> No			
If no, does the requestor represent a party? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, name of party _____			
Transcript Information			
Docket Number	Full Case Caption (i.e. State v. John Doe or John Smith v. Jane Smith)		Circuit <input type="checkbox"/> Family <input type="checkbox"/>
Date(s) of Proceeding	County	Appeal pending <input type="checkbox"/> Yes <input type="checkbox"/> No	Death Penalty <input type="checkbox"/> Yes <input type="checkbox"/> No
Presiding Judge		Special Circumstances Is the hearing to be transcribed one of the following: <input type="checkbox"/> Termination of parental rights <input type="checkbox"/> Adoption <input type="checkbox"/> Any actions involving child custody/visitation.	
Opposing Counsel(s) (name and email address)			
Court Reporter(s)	<input type="checkbox"/> WebEx <input type="checkbox"/> DCRP	Delivery Timeframe (check Rule 607 for current page rates) <input type="checkbox"/> Quote <input type="checkbox"/> Rough Draft <input type="checkbox"/> Overnight delivery <input type="checkbox"/> Daily delivery <input type="checkbox"/> Expedited delivery (7 days) Due on/before: _____ <input type="checkbox"/> Regular delivery (60 days)	
Portion of proceeding to be transcribed <input type="checkbox"/> Entire hearing <input type="checkbox"/> Voir dire by juror <input type="checkbox"/> Jury selection <input type="checkbox"/> Plaintiff's opening statement <input type="checkbox"/> Defendant's opening statement <input type="checkbox"/> Plaintiff's closing arguments <input type="checkbox"/> Defendant's closing arguments <input type="checkbox"/> Entire direct examination <input type="checkbox"/> Entire cross examination <input type="checkbox"/> Entire redirect <input type="checkbox"/> Examination of witness (W) by attorney (A) W: _____ A: _____ <input type="checkbox"/> Ruling of the court		Delivery Method (additional fees may apply) <input type="checkbox"/> PDF / Email <input type="checkbox"/> Hard Copy/Priority Mail (\$50 + shipping) <input type="checkbox"/> PDF & Hard Copy/Priority Mail (\$50 + shipping)	
		Responsible Payor <input type="checkbox"/> Private / Self <input type="checkbox"/> Court Appointed Counsel Appeals Attorney _____ Email _____ <input type="checkbox"/> Other _____	
Next Hearing Date _____			

Requestor's Signature: _____ Date: _____
(Typed name will serve as signature)

NOTE: Requests 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, regardless of indigent status. Please promptly submit your payment in the method of payment requested, in order for the transcript to be produced. In some cases, a deposit may be required before the transcript can be placed in the production queue. You may also request a quote before deciding to order. **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.**

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 or transcriptionist.

Subject: Re: Civil Action No. 2021-CP-07-01078; James Ware, et al. v. Beaufort County, et al.
Date: Monday, April 10, 2023 at 12:30:57 PM Eastern Daylight Time
From: Denise Brockwell
To: Transcripts
CC: Danny Crowe, Tom Taylor, rdeeb@ns-lawfirm.com, donna@thomastaylorlaw.com
Attachments: image002.jpg, SCCA800-Transcript Request Form.pdf

Per your request, please find attached the completed transcript request form. Please let me know if you need anything else.

Thank you.

Denise M. Brockwell
CROWE LAFAYE GARFIELD & BAGLEY, LLC
803-888-3936

From: Transcripts <transcripts@sccourts.org>
Date: Monday, April 10, 2023 at 11:59 AM
To: Denise Brockwell <Denise@crowelafave.com>, Transcripts <transcripts@sccourts.org>
Cc: Danny Crowe <danny@crowelafave.com>, Tom Taylor <tom@thomastaylorlaw.com>, rdeeb@ns-lawfirm.com <rdeeb@ns-lawfirm.com>, donna@thomastaylorlaw.com <donna@thomastaylorlaw.com>
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Sent: Monday, April 10, 2023 9:56 AM
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Cc: Danny Crowe <danny@crowelafave.com>; Tom Taylor <tom@thomastaylorlaw.com>; rdeeb@ns-lawfirm.com; donna@thomastaylorlaw.com
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South Carolina Judicial Branch

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Requestor's Information			
Full Name Danny C. Crowe	Law Firm/Agency Crowe LaFave Garfield & Bagley, LLC	Phone Number 803-724-5728	
Email Address danny@crowelafave.com		Mailing Address 2019 Park Street, Columbia, SC 29201	
Is the requestor a party in the case? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
If no, does the requestor represent a party? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, name of party Beaufort County			
Transcript Information			
Docket Number 2021-CP-07-01078	Full Case Caption (i.e. State v. John Doe or John Smith v. Jane Smith) James Ware, et al. v. Beaufort County, et al.		Circuit <input checked="" type="checkbox"/> Family <input type="checkbox"/>
Date(s) of Proceeding January 5, 2023	County Beaufort	Appeal pending <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Death Penalty <input type="checkbox"/> Yes <input type="checkbox"/> No
Presiding Judge The Honorable Courtney Clyburn Pope		Special Circumstances Is the hearing to be transcribed one of the following: <input type="checkbox"/> Termination of parental rights <input type="checkbox"/> Adoption <input type="checkbox"/> Any actions involving child custody/visitation.	
Opposing Counsel(s) (name and email address) Thomas Taylor - tom@thomastaylorlaw.com ; Robert Deeb - rdeeb@ns-lawfirm.com		Delivery Timeframe (check Rule 607 for current page rates) <input type="checkbox"/> Quote <input type="checkbox"/> Rough Draft <input type="checkbox"/> Overnight delivery <input type="checkbox"/> Daily delivery <input checked="" type="checkbox"/> Expedited delivery (7 days) Due on/before: 04-18-2023 <input type="checkbox"/> Regular delivery (60 days)	
Court Reporter(s) [Redacted]	<input checked="" type="checkbox"/> WebEx <input type="checkbox"/> DCRP	Delivery Method (additional fees may apply) <input checked="" type="checkbox"/> PDF / Email <input type="checkbox"/> Hard Copy/Priority Mail (\$50 + shipping) <input type="checkbox"/> PDF & Hard Copy/Priority Mail (\$50 + shipping)	
Portion of proceeding to be transcribed <input checked="" type="checkbox"/> Entire hearing <input type="checkbox"/> Voir dire by juror <input type="checkbox"/> Jury selection <input type="checkbox"/> Plaintiff's opening statement <input type="checkbox"/> Defendant's opening statement <input type="checkbox"/> Plaintiff's closing arguments <input type="checkbox"/> Defendant's closing arguments <input type="checkbox"/> Entire direct examination <input type="checkbox"/> Entire cross examination <input type="checkbox"/> Entire redirect <input type="checkbox"/> Examination of witness (W) by attorney (A) W: [Redacted] A: [Redacted] <input type="checkbox"/> Ruling of the court		Responsible Payor <input type="checkbox"/> Private / Self <input type="checkbox"/> Court Appointed Counsel Appeals Attorney [Redacted] Email [Redacted] <input checked="" type="checkbox"/> Other Crowe LaFave Garfield & Bagley for Beaufort County	
Next Hearing Date [Redacted]			

Requestor's Signature: Danny C. Crowe

Date: April 10, 2023

(Typed name will serve as signature)

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Revised 03/2023

SCCA 800

Subject: RE: Civil Action No. 2021-CP-07-01078; James Ware, et al. v. Beaufort County, et al.
Date: Monday, April 10, 2023 at 12:43:24 PM Eastern Daylight Time
From: Transcripts
To: Denise Brockwell, Transcripts
CC: Danny Crowe, Tom Taylor, rdeeb@ns-lawfirm.com, donna@thomastaylorlaw.com
Attachments: image001.jpg

Good morning.

Your transcript request has been received by our office. You should receive communication from a transcriptionist within 5 days with an estimated cost for production.

Thank you.

From: Denise Brockwell <Denise@crowelafave.com>
Sent: Monday, April 10, 2023 12:30 PM
To: Transcripts <transcripts@sccourts.org>
Cc: Danny Crowe <danny@crowelafave.com>; Tom Taylor <tom@thomastaylorlaw.com>; rdeeb@ns-lawfirm.com; donna@thomastaylorlaw.com
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May 11 2023

SC Court of Appeals

IN THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas
Courtney Clyburn Pope, Circuit Court Judge

Civil Action No. 2021-CP-07-01078

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Julie Sanders, William Craig Denny, Jeff Toomer,
Allyson Toomer, Louise E. Davis, Donna Nutty,
Thomas J. MacDonald, Michael G. MacDonald,
Susanne B. MacDonald, Arlene Coleman,
William H. McGee, Patti M. MacDonald, Scott M. MacDonald,
Rose F. McGee, Jason DuBose, Amanda DuBose,
Ronald L. Broome, Lawrence E. Jones, D. Diane Burr,
Mark H. Thomas, Kelly C. Thomas, William Matthew Yollo,
Nancy H. Yollo, Joseph DeAngelis, Beth DeAngelis, Shelly Horn,
Theodore Brammer, Allison Brammer, Waymon W. Durden,
Constance C. Durden, David C. Powell, Plaintiffs/Respondents,

v.

Beaufort County, HPCCA Ferry Company, Inc.,
and The Daufuskie Island Ferry Service, LLC, Defendants,

Of Whom Beaufort County is the Defendant/Appellant.

PROOF OF SERVICE

I certify that I have served the Return to Correspondence of Clerk of Court Concerning Timeliness of Appellant Ordering Transcript on Plaintiffs/Respondents and Defendants by electronic mail to tom@thomastaylorlaw.com and rdeeb@ns-lawfirm.com, and by having a copy of it deposited in the United States Mail, postage prepaid, on May 10, 2023, addressed to their attorneys of record as follows: Thomas C. Taylor, Esquire, Law Offices of Thomas C. Taylor, LLC, P.O. Box 1808, Bluffton, SC 29910-180; and Robert M. Deeb, Jr., Esquire, Novit & Scarminach, P.A., 52 New Orleans Road, Suite 400, Hilton Head Island, SC 29938.

May 10, 2023

s/Danny C. Crowe

Danny C. Crowe, SC Bar #1480

CROWE LAFAVE GARFIELD & BAGLEY, LLC

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