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Aug 22 2023

SC Court of Appeals

BYBEE & TIBBALS

735 Johnnie Dodds Blvd. Suite 104
Mount Pleasant, SC 29464

843.881.1623

bybetibbals.com

August 22, 2023

VIA E-MAIL AND U.S. MAIL

South Carolina Court Administration
1220 Senate St., Suite 200
Columbia, SC 29201
transcripts@sccourts.org

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201
ctappfilings@sccourts.org

Tammie Holmes
Court Reporter Manager
1220 Senate St., Suite 200
Columbia, SC 29201
tholmes@sccourts.org

RE: *Justin O'Toole Lucey v. The Town of Mount Pleasant, South Carolina, and WIN515, LLC*
Appellate Case No. 2023-001006
Charleston County Circuit Court Case No. 2022-CP-10-03328
Request for Transcript Made June 22, 2023

Dear Sir(s)/Mesdames:

Pursuant to Rule 207(a)(5), SCACR, this correspondence is being sent as notification that Appellant Justin O'Toole Lucey ("Appellant") has not received the requested transcript within the allotted time of sixty (60) days.

On June 22, 2023, Appellant requested the transcript of the hearing that took place on January 27, 2023, in the Charleston County Court of Common Pleas in the above-captioned matter. A copy of this correspondence with the completed request form is enclosed herewith for reference. On June 27, 2023, our office received an email from the Court Reporter Section of South Carolina Court Administration, acknowledging receipt of the transcript request and advising a communication from a transcriptionist should be received within five days with an estimated cost for production.

On July 28, 2023, our office responded to this email to request an update as we had not received correspondence from a transcriptionist. A copy of this correspondence is enclosed herewith. To date, Appellant has not received any further communication regarding the requested transcript, or a copy of the same.

In accordance with Rule 207(a)(5), SCACR, this correspondence is being sent to the Office of Court Administration and the clerk of the appellate court. Additionally, because Appellant is unaware of the name or contact information for the court reporter for this request, and because the requested transcript is one of a digital court proceeding that occurred via WebEx, this letter is being sent to Tammie Holmes, Court Reporter Manager.

Counsel for all opposing parties is receiving a copy of this correspondence via email to their email addresses listed on the South Carolina AIS. Please advise if any additional information or action is needed from Appellant to obtain the requested hearing transcript.

Kindly,



Caroline C. McLaughlin, Paralegal

Enclosures

cc (via email only, w/ encl.): Ross A. Appel, Esq.
Zachary M. Kern, Esq.
Brian L. Quisenberry, Esq.

Evan P. Williams, Esq.
Jeffrey S. Tibbals, Sr., Esq.

From: Caroline McLaughlin
Sent: Friday, July 28, 2023 12:29 PM
To: 'Transcripts'; Court Of Appeals Filings
Cc: 'ross@mklawsc.com'; 'forrest@mklawsc.com'; 'bquisenberry@ycrlaw.com'; 'zkern@ycrlaw.com'; Evan Williams; Jeff Tibbals; Elliott Jones; Whitney Moore
Subject: RE: Justin O'Toole Lucey v. The Town of Mount Pleasant, et al. (2022-CP-10-3328)

Hello:

We have not heard a response from the transcriptionist. Please advise as soon as possible.

Kindly,
Caroline

From: Transcripts <transcripts@sccourts.org>
Sent: Tuesday, June 27, 2023 5:35 PM
To: Caroline McLaughlin <cmclaughlin@bybeetibbals.com>; Transcripts <transcripts@sccourts.org>; Court Of Appeals Filings <ctappfilings@sccourts.org>
Cc: 'ross@mklawsc.com' <ross@mklawsc.com>; 'forrest@mklawsc.com' <forrest@mklawsc.com>; 'bquisenberry@ycrlaw.com' <bquisenberry@ycrlaw.com>; 'zkern@ycrlaw.com' <zkern@ycrlaw.com>; Evan Williams <ewilliams@bybeetibbals.com>; Jeff Tibbals <jst@bybeetibbals.com>; Elliott Jones <ejones@bybeetibbals.com>; Whitney Moore <wmoore@bybeetibbals.com>
Subject: RE: Justin O'Toole Lucey v. The Town of Mount Pleasant, et al. (2022-CP-10-3328)

Good afternoon.

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.
Court Reporter Section

From: Caroline McLaughlin <cmclaughlin@bybeetibbals.com>
Sent: Thursday, June 22, 2023 3:30 PM
To: Transcripts <transcripts@sccourts.org>; Court Of Appeals Filings <ctappfilings@sccourts.org>
Cc: 'ross@mklawsc.com' <ross@mklawsc.com>; 'forrest@mklawsc.com' <forrest@mklawsc.com>; 'bquisenberry@ycrlaw.com' <bquisenberry@ycrlaw.com>; 'zkern@ycrlaw.com' <zkern@ycrlaw.com>; Evan Williams <ewilliams@bybeetibbals.com>; Jeff Tibbals <jst@bybeetibbals.com>; Elliott Jones <ejones@bybeetibbals.com>; Whitney Moore <wmoore@bybeetibbals.com>
Subject: Justin O'Toole Lucey v. The Town of Mount Pleasant, et al. (2022-CP-10-3328)

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

Dear Sir/Madame:

Please find a request for a hearing transcript. Please advise if you require anything further.

Kindly,

Caroline C. McLaughlin

Paralegal & Firm Administrator

735 Johnnie Dodds Blvd. Suite 104, Mt. Pleasant, SC 29464

O: 843-881-1623 E: cmclaughlin@bybeetibbals.com

BYBEE & TIBBALS
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RIGHTS LITIGATION

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~~~ 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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SC Court of Appeals

BYBEE & TIBBALS

735 Johnnie Dodds Blvd. Suite 104  
Mount Pleasant, SC 29464

843.881.1623

[bybeetibbals.com](http://bybeetibbals.com)

June 22, 2023

**VIA E-MAIL ONLY**

Circuit Court WebEx  
1220 Senate St., Suite 200  
Columbia, SC 29201  
[transcripts@sccourts.org](mailto:transcripts@sccourts.org)

**RE: *Justin O'Toole Lucey v. The Town of Mount Pleasant, South Carolina, and WIN515, LLC***  
**Charleston County Circuit Court (No. 2022-CP-10-3328)**  
**Hearing Date: January 27, 2023**

Dear Sir/Madame:

Pursuant to SCACR 207, enclosed please find a request for a hearing transcript for a hearing in connection with the above matter. Please advise if you require anything further.

By copy of this letter, all opposing parties, Court Administration and the clerk of the appellate court, are informed of this request.

Kindly,



Caroline C. McLaughlin, Paralegal

Enclosure

cc (via email only, w/ encl.): Ross A. Appel, Esq.  
Brian L. Quisenberry, Esq.  
Evan P. Williams, Esq.

Forrest W. Lewis, Esq.  
Zachary M. Kern, Esq.  
Jeffrey S. Tibbals, Sr., Esq.

South Carolina Court Administration  
Jenny Abbott Kitchings, Clerk of Court, Court of Appeals



# South Carolina Judicial Branch

TRANSCRIPT REQUEST FORM

RECEIVED

Jun 22 2023

SC Court of Appeals

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](mailto:transcripts@sccourts.org). If WebEx or DCRP were used to capture the record, please indicate below and send the form to [transcripts@sccourts.org](mailto:transcripts@sccourts.org).

| Requestor's Information                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                              |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------|
| <b>Full Name</b><br>Evan Patrick Williams                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                      | <b>Law Firm/Agency</b><br>Bybee & Tibbals, LLC                                                                                                                                                                                                                                                                                                                                                 |                                                                                              |
| <b>Email Address</b><br>ewilliams@bybeetibbals.com                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                      | <b>Phone Number</b><br>843-881-1623                                                                                                                                                                                                                                                                                                                                                            |                                                                                              |
| <b>Mailing Address</b><br>Bybee & Tibbals, LLC<br>735 Johnnie Dodds Blvd., Suite 104<br>Mount Pleasant, SC 29464                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                              |
| 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 Justin O'Toole Lucey                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                              |
| Transcript Information                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                              |
| <b>Docket Number</b><br>2022-CP-10-03328                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <b>Full Case Caption</b> (i.e. State v. John Doe or John Smith v. Jane Smith)<br>Justin O'Toole Lucey v. The Town of Mount Pleasant, South Carolina, and WIN515, LLC |                                                                                                                                                                                                                                                                                                                                                                                                | <b>Circuit</b> <input checked="" type="checkbox"/><br><b>Family</b> <input type="checkbox"/> |
| <b>Date(s) of Proceeding:</b><br>January 27, 2023                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <b>County:</b> Charleston                                                                                                                                            | <b>Appeal pending</b><br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No                                                                                                                                                                                                                                                                                                   | <b>Death Penalty</b><br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  |
| <b>Presiding Judge:</b><br>Judge R. Keith Kelly                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                      | <b>Special Circumstances</b><br>Is the hearing to be transcribed one of the following:<br><input type="checkbox"/> Termination of parental rights<br><input type="checkbox"/> Adoption<br><input type="checkbox"/> Any actions involving child custody/visitation.                                                                                                                             |                                                                                              |
| <b>Opposing Counsel(s)</b> (name and email address):<br>Ross A. Appel <a href="mailto:ross@mklawsc.com">ross@mklawsc.com</a><br>Forrest W. Lewis <a href="mailto:forrest@mklawsc.com">forrest@mklawsc.com</a><br>Brian L. Quisenberry <a href="mailto:bquisenberry@vclaw.com">bquisenberry@vclaw.com</a><br>Zachary M. Kern <a href="mailto:zkern@vclaw.com">zkern@vclaw.com</a>                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                              |
| <b>Court Reporter(s)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <input checked="" type="checkbox"/> WebEx<br><input type="checkbox"/> DCRP                                                                                           | <b>Delivery Timeframe</b><br>(check Rule 607 for current page rates)<br><input type="checkbox"/> Quote<br><input type="checkbox"/> Rough Draft<br><input type="checkbox"/> Overnight delivery<br><input type="checkbox"/> Daily delivery<br><input type="checkbox"/> Expedited delivery (7 days) <b>Due on/before:</b> _____<br><input checked="" type="checkbox"/> Regular delivery (60 days) |                                                                                              |
| <b>Portion of proceeding to be transcribed</b><br><input checked="" type="checkbox"/> Entire hearing<br><input type="checkbox"/> Voir dire by juror<br><input type="checkbox"/> Jury selection<br><input type="checkbox"/> Plaintiff's opening statement<br><input type="checkbox"/> Defendant's opening statement<br><input type="checkbox"/> Plaintiff's closing arguments<br><input type="checkbox"/> Defendant's closing arguments<br><input type="checkbox"/> Entire direct examination<br><input type="checkbox"/> Entire cross examination<br><input type="checkbox"/> Entire redirect<br><input type="checkbox"/> Examination of witness (W) by attorney (A)<br>W: _____<br>A: _____<br><input type="checkbox"/> Ruling of the court |                                                                                                                                                                      | <b>Delivery Method</b> (additional fees may apply)<br><input checked="" type="checkbox"/> PDF / Email<br><input type="checkbox"/> Hard Copy/Priority Mail (\$50 + shipping)<br><input type="checkbox"/> PDF & Hard Copy/Priority Mail (\$50 + shipping)                                                                                                                                        |                                                                                              |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                      | <b>Responsible Payor</b><br><input checked="" type="checkbox"/> Private / Self<br><input type="checkbox"/> Court Appointed Counsel<br>Appeals Attorney _____<br>Email _____<br><input type="checkbox"/> Other _____                                                                                                                                                                            |                                                                                              |
| <b>Next Hearing Date</b> _____                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                              |

Requestor's Signature: s/ Evan Patrick Williams

Date: June 22, 2023

(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*



# South Carolina Judicial Branch

## TRANSCRIPT REQUEST FORM

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*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.