

I, Rose Bernard, purchased transcripts for two court hearing dates conducted in January 2023 and September 2023, Civil Case No. 2022-CP260-5492. Both transcripts are being challenged.

Transcribing Court Reporter: Bobbi Fisher

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JANUARY 23, 2023 COURT HEARING
ROSE BERNARD v. LUCAS GREEN; APERTURE INVESTIGATIONS
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PARTIES PRESENT:

Honorable Steven DeBerry, Circuit Court Judge
*Rose Bernard, Plaintiff
Luther McCutchen, Defendant's Attorney

RECEIVED
Nov 29 2023
SC Court of Appeals

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MOTION TO BE REMOVED FROM ADR

Page 4 lines 7-8: I didn't ask, "I had requested an injunction, which, you know, is that something that normally goes to ADR sessions?" I would have said, "...which isn't something that normally goes to ADR sessions."

Page 4 line 9-10 this sentence was the last thing I said about wanting to be removed from ADR **and not in the middle of what I was saying. Also,** the sentence is worded incorrectly. I did not say "Yeah, I'm really -- I need -- I really need to feel some kind of protection." I said, "I need to have some kind of protection"

Page 4 lines 16-25 & page 5 line 1-2: I never said the paragraphs that are in the transcript. If I did say any of this then it was taken out of context and worded incorrectly.

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MOTION TO REMAND TO MAGISTRATE COURT (ATTORNEY)

Page 5 line 15-16: The attorney's words that were omitted were, "...attorney fees". Also omitted, the attorney stated that I am "not allowed to request attorney fees" which would coincide with the comment I made on page 7 line 12 and 13 about how I didn't ask for attorney fees (this comment also is not correctly worded / phrased).

Page 5 line 24-25 & Page 6 lines 1-6: The attorney's statement is not worded properly / misworded. The attorney said that most of my claim is punitive in nature and punitive damages are not allowed to be claimed in circuit courts. The attorney also said that I am not allowed to request attorney fees which is why I said that I wasn't claiming attorney fees on page 7 lines 12-13.

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MOTION TO DISMISS (ATTORNEY)

Page 9 line 2-10: The lines are not what the lawyer said. The lawyer motioned to dismiss because he said I had no cause of action based on a different reason. Then he later mentioned that, in addition to the lack of cause of action from which a claim could be made, was that "Notice was not served" to his client.

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2ND CONVERSATION FOR MOTION TO REMAND TO MAGISTRATE COURT

Page 13 lines 4-10: I didn't say, "I don't know. And to be honest -- you know, **I'm saying it bothers me too much to even come up with a number.** I don't know what I'm **entitled to**, but that doesn't mean that I shouldn't be **entitled** at least that much or **less than so that I go to a court that can't handle the kind of cases that I'm requesting.**"

The person's hate for me really shows up in this short paragraph. I would never use the word "entitled" and what I said was, "that's correct. I'm not a lawyer and don't know how to ask (what to ask?), but that doesn't mean I don't deserve what I asked for..(pause) or **more.**"

Page 13 lines 11-18. I didn't say the words on the transcript. If any of it was said, it was taken out of context from where it should have appeared in the transcript and scrambled to create new concepts that did not exist.

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DEFAULT TOPIC / NOTICE NOT SERVED

Page 14 line 25 & Page 15 lines 1-7: The attorney never said anything about filing a default request. The topic was something else regarding that he had sent me the defendants response to my complaint, notice of counterclaim and counterclaim. The attorney stressed those points.

Page 15 lines 6-15. The judge didn't say what is in the transcript. The judge inquired of me as to whether I obtained the paperwork the attorney said he sent. This would coincide with my response in the paragraphs of page 15 lines 17-25; followed by the judges comment on page 16 Line 1-4.

On page 16 and after lines 1-4 what was omitted: due to the topic slightly changing and the attorney wanting the judge to respond to the concept of not responding to his counterclaim, the attorney chimed in that I "**didn't respond to his counterclaim.**" there was a pause and the judge said, "**you have to answer his counterclaim-- okay.**"

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QUESTIONABLE COMMENTS

I have reservations that the following paragraphs were spoken. If any of it was uttered, it seems the paragraphs are not worded properly (reworded / words added or omitted) and/ or taken out of context from what was actually being said in court.

Page 16 lines 5-8. "And it's my understanding that any counterclaim, wouldn't that just be conducted in the same case? You know what I'm saying? Like in the same court?"

Page 16 lines 9-16; "It certainly could be, yes, ma'am, and would be, but the problem is you have a responsibility to answer those counterclaims. **Whether or not you have done so, I don't know. It's not before the Court today.** You understand what I'm saying?"

Page 16 lines 16-19: **I never asked**, "I didn't -- I thought it was -- I thought -- okay. So I have to answer even though we don't have -- I don't have a court case yet -- I mean, a court trial or a court date, hearing?"

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FINAL COMMENTS OF THE HEARING

Page 16 lines 20-25: the sentences are incorrect and were added. The final words that were **omitted** was the judge stating that he was going to grant my motion to be removed from ADR and deny the attorney's two motions.