

**RECEIVED**

**Dec 11 2023**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In the Court of Appeal

APPEAL FROM GREENVILLE COUNTY  
Court of Common Pleas

The Honorable J. Derham Cole  
The Honorable G. D. Morgan, Jr.

Appellate Case No.: 2023-001529

Zachary Leland Moody and Kristina L. Moody.....Appellants,

v.

Gabriela B. Lopez a/k/a Gabriela Baltazar Lopez-Gutierrez, an individual,  
Leopoldo Vera Hernandez, an individual, Santa Fe Construction, LLC,  
Juan Carlos Maldonado, an individual, ServPro of Pickens County  
d/b/a Blue Moon Enterprises, Inc., Scott D. Caulfield, an individual,  
Keller Williams Western Upstate, The Haro Group of Keller Williams,  
Creasy Construction, LLC, Harry James Creasy, an individual, and  
John Allen Drew, an individual.....Defendants,

Of Which ServPro of Pickens County d/b/a Blue Moon Enterprises, Inc.  
and TCT1, LLC d/b/a Keller Williams Western Upstate, .....Respondents.

**MOTION TO REINSTATE**

Pursuant to South Carolina Appellate Court Rules Rule 240, Appellants Zachary Leland Moody and Kristina L. Moody (“Appellant”), by and through the undersigned attorney, respectfully moves this Court for an Order reinstating the case. The basis for this motion is that the transcripts in this matter were timely requested by counsel on October 29, 2023 as follows:

On October 29, 2023 the transcript request for the hearing held on January 4, 2023 was requested. Pursuant to November 25, 2023 email from Ms. Cheryl A. Smith, that transcript has

been received. A copy of all correspondence related to the January 4, 2023 transcript request is attached as “**Exhibit A**”.

On October 29, 2023 the transcript request for the hearing held on July 27, 2023 was requested. Pursuant to November 22, 2023 email from Ms. Betty Lyons, the transcript of that hearing will be available by Friday, December 22, 2013. A copy of all correspondence related to the July 27, 2023 transcript request is attached as “**Exhibit B**”.

Accordingly, for the foregoing reasons, counsel respectfully moves the Court to reinstate the matter.

TOWNES B. JOHNSON III, LLC

/s/ Townes B. Johnson III  
Townes B. Johnson III, S.C. Bar # 75412  
PO Box 9246  
Greenville, S.C. 29604  
(864)-757-4899  
tjohnson@sc.legal  
*Attorneys for the Appellant*

Greenville, South Carolina

Other Counsel of Record:

Allen Leland DuPre, S.C. Bar #13517  
Lyles & Associates, LLC  
1037 Chuck Dawley Blvd., Suite G-100  
Mt. Pleasant, South Carolina 29464  
(843) 577-7730  
**Attorneys for Respondent ServPro of Pickens County d/b/a Blue Moon Enterprises, Inc.**

Daniel L. Draisen. Esq.  
The Injury Law Firm, P.C.  
2006 N. Main Street  
Anderson, South Carolina 29621  
(864) 888-8887  
**Attorneys for Respondent TCT1, LLC d/b/a Keller Williams Western Upstate**

# Exhibit A

EXHIBIT  
A

## Townes Johnson

---

**From:** Smith, Cheryl A. <casmith@sccourts.org>  
**Sent:** Wednesday, November 1, 2023 4:28 PM  
**To:** Townes Johnson  
**Cc:** Transcripts; Allen DuPre; Daniel Draisen  
**Subject:** Re: Transcript Request: 2020-CP-23-02297 - Moody v. Lopez, et al

Mr. Johnson,

I have reviewed my file and have determined that the transcript for the hearing in this case will be 17 pages. At the state rate of \$4.25 per page, the total for an emailed pdf of the transcript will be \$72.25.

I do require payment of the transcript prior to delivery. If you are still wanting to order the transcript, please make a check payable to me, Cheryl Smith, and mail to my PO Box below. Our normal turnaround time is 60 days but with the length of this transcript, it shouldn't take that long.

Please let me know if you have any questions. Thank you.

Cheryl A. Smith, CVR-M  
Circuit Court Reporter at Large  
P.O. Box 80032  
Simpsonville, SC 29680

---

From: Townes Johnson <tjohnson@sc.legal>  
Sent: Sunday, October 29, 2023 9:49:03 PM  
To: Smith, Cheryl A.  
Cc: Transcripts; Allen DuPre; Daniel Draisen  
Subject: Re: Transcript Request: 2020-CP-23-02297 - Moody v. Lopez, et al

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

Ms. Smith:

Here is the attachment. My apologies.

Townes Johnson

---

From: Townes Johnson  
Sent: Sunday, October 29, 2023 9:23 PM  
To: casmith@sccourts.org <casmith@sccourts.org>

Cc: transcripts@sccourts.org <transcripts@sccourts.org>; Allen DuPre <ald@lylesfirm.com>; Daniel Draisen <daniel@injuredsc.com>

Subject: Transcript Request: 2020-CP-23-02297 - Moody v. Lopez, et al

Ms. Smith:

Attached, please find my transcript request for a hearing held on January 4, 2023.

Please let me know if you need anything else from me regarding same.

Thank you,

Townes Johnson

~~~ 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.

46080c0b-e019-49b3-bee8-cbf886530dff\_a79c3aaf-2d33-422b-8ea5-12e09325291f\_513f02bd-4241-4802-ac9a-43ec52e4f536

Smokeball Reference: a79c3aaf-2d33-422b-8ea5-12e09325291f/f1bcff45-938c-442e-bede-deb6b327c515.46080c0b-e019-49b3-bee8-cbf886530dff\_a79c3aaf-2d33-422b-8ea5-12e09325291f\_f1bcff45-938c-442e-bede-deb6b327c515

## Townes Johnson

---

**From:** Smith, Cheryl A. <casmith@sccourts.org>  
**Sent:** Friday, November 17, 2023 7:45 PM  
**To:** Townes Johnson  
**Cc:** Michelle Morgan; Transcripts  
**Subject:** Re: Transcript Request: 2020-CP-23-02297 - Moody v. Lopez, et al

Townes,

I did receive your check today and have put this transcript in line for production. I will email it to you when it is done.

Thank you.

Cheryl A. Smith, CVR-M  
Circuit Court Reporter at Large  
P.O. Box 80032  
Simpsonville, SC 29680

---

**From:** Townes Johnson <tjohnson@sc.legal>  
**Sent:** Tuesday, November 14, 2023 6:59:28 PM  
**To:** Smith, Cheryl A.  
**Cc:** Michelle Morgan  
**Subject:** Re: Transcript Request: 2020-CP-23-02297 - Moody v. Lopez, et al

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

Cheryl -

I'm just catching up with emails. This payment will go out tomorrow.

Thank you,

Townes

---

**From:** Smith, Cheryl A. <casmith@sccourts.org>  
**Sent:** Wednesday, November 1, 2023 4:27 PM  
**To:** Townes Johnson <tjohnson@sc.legal>  
**Cc:** Transcripts <transcripts@sccourts.org>; Allen DuPre <ald@lylesfirm.com>; Daniel Draisen <daniel@injuredsc.com>  
**Subject:** Re: Transcript Request: 2020-CP-23-02297 - Moody v. Lopez, et al

Mr. Johnson,

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Please let me know if you have any questions. Thank you.

Cheryl A. Smith, CVR-M  
Circuit Court Reporter at Large  
P.O. Box 80032  
Simpsonville, SC 29680

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To: casmith@sccourts.org <casmith@sccourts.org>  
Cc: transcripts@sccourts.org <transcripts@sccourts.org>; Allen DuPre <ald@lylesfirm.com>; Daniel Draisen <daniel@injuredsc.com>  
Subject: Transcript Request: 2020-CP-23-02297 - Moody v. Lopez, et al

Ms. Smith:

Attached, please find my transcript request for a hearing held on January 4, 2023.

Please let me know if you need anything else from me regarding same.

Thank you,

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46080c0b-e019-49b3-bee8-cbf886530dff\_a79c3aaf-2d33-422b-8ea5-12e09325291f\_31288ed9-2270-43a8-bd5f-c7fcc0038088

Smokeball Reference: a79c3aaf-2d33-422b-8ea5-12e09325291f/ecb58d0c-6ec2-47c9-9f2a-f05a658e1632.46080c0b-e019-49b3-bee8-cbf886530dff\_a79c3aaf-2d33-422b-8ea5-12e09325291f\_ecb58d0c-6ec2-47c9-9f2a-f05a658e1632

## Townes Johnson

---

**From:** Smith, Cheryl A. <casmith@sccourts.org>  
**Sent:** Saturday, November 25, 2023 8:07 AM  
**To:** Townes Johnson  
**Cc:** Michelle Morgan; Transcripts  
**Subject:** Re: Transcript Request: 2020-CP-23-02297 - Moody v. Lopez, et al  
**Attachments:** 010423 Moody v Lopez Transcript.pdf; Inv 1822 Moody v Lopez.pdf

Mr. Johnson,

Attached is the transcript you ordered along with a copy of my invoice for your records. Please let me know if you need anything else.

Thank you.

Cheryl A. Smith, CVR-M  
Circuit Court Reporter at Large  
P.O. Box 80032  
Simpsonville, SC 29680

---

From: Townes Johnson <tjohnson@sc.legal>  
Sent: Tuesday, November 14, 2023 6:59:28 PM  
To: Smith, Cheryl A.  
Cc: Michelle Morgan  
Subject: Re: Transcript Request: 2020-CP-23-02297 - Moody v. Lopez, et al

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Thank you,

Townes

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To: Townes Johnson <tjohnson@sc.legal>  
Cc: Transcripts <transcripts@sccourts.org>; Allen DuPre <ald@lylesfirm.com>; Daniel Draisen <daniel@injuredsc.com>  
Subject: Re: Transcript Request: 2020-CP-23-02297 - Moody v. Lopez, et al

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Circuit Court Reporter at Large  
P.O. Box 80032  
Simpsonville, SC 29680

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From: Townes Johnson <tjohnson@sc.legal>  
Sent: Sunday, October 29, 2023 9:49:03 PM  
To: Smith, Cheryl A.  
Cc: Transcripts; Allen DuPre; Daniel Draisen  
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Ms. Smith:

Here is the attachment. My apologies.

Townes Johnson

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From: Townes Johnson  
Sent: Sunday, October 29, 2023 9:23 PM  
To: casmith@sccourts.org <casmith@sccourts.org>  
Cc: transcripts@sccourts.org <transcripts@sccourts.org>; Allen DuPre <ald@lylesfirm.com>; Daniel Draisen <daniel@injuredsc.com>  
Subject: Transcript Request: 2020-CP-23-02297 - Moody v. Lopez, et al

Ms. Smith:

Attached, please find my transcript request for a hearing held on January 4, 2023.

Please let me know if you need anything else from me regarding same.

Thank you,

Townes Johnson

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46080c0b-e019-49b3-bee8-cbf886530dff\_a79c3aaf-2d33-422b-8ea5-12e09325291f\_2deb29e5-4533-4fbf-b3a8-3da311dfcc34

Smokeball Reference: a79c3aaf-2d33-422b-8ea5-12e09325291f/43c39cf7-2c48-44de-943e-b97d24be2e21.46080c0b-e019-49b3-bee8-cbf886530dff\_a79c3aaf-2d33-422b-8ea5-12e09325291f\_43c39cf7-2c48-44de-943e-b97d24be2e21

# Exhibit B

EXHIBIT  
B

## Townes Johnson

---

**From:** Transcripts <transcripts@sccourts.org>  
**Sent:** Tuesday, October 31, 2023 11:21 AM  
**To:** Townes Johnson  
**Cc:** Transcripts  
**Subject:** RE: Transcript Request: 2020-CP-23-02297 - Moody v. Lopez, et al

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.  
Court Reporter Section

---

**From:** Townes Johnson <tjohnson@sc.legal>  
**Sent:** Sunday, October 29, 2023 9:50 PM  
**To:** Transcripts <transcripts@sccourts.org>  
**Cc:** Allen DuPre <ald@lylesfirm.com>; Daniel Draisen <daniel@injuredsc.com>  
**Subject:** Re: Transcript Request: 2020-CP-23-02297 - Moody v. Lopez, et al

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

Dear Sir or Madam:

Here is the attachment. My apologies.

Townes Johnson

---

**From:** Townes Johnson  
**Sent:** Sunday, October 29, 2023 9:23 PM  
**To:** [transcripts@sccourts.org](mailto:transcripts@sccourts.org) <[transcripts@sccourts.org](mailto:transcripts@sccourts.org)>  
**Cc:** Allen DuPre <[ald@lylesfirm.com](mailto:ald@lylesfirm.com)>; Daniel Draisen <[daniel@injuredsc.com](mailto:daniel@injuredsc.com)>  
**Subject:** Transcript Request: 2020-CP-23-02297 - Moody v. Lopez, et al

Dear Sir or Madam:

Attached, please find my transcript request for a hearing held on July 27, 2023.

Please let me know if you need anything else from me regarding same.

Thank you,

Townes Johnson

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## Townes Johnson

---

**From:** Lyons, Betty <blyons@sccourts.org>  
**Sent:** Wednesday, November 22, 2023 9:14 AM  
**To:** Townes Johnson  
**Subject:** RE: Webex recording is available for viewing: Judge G. D. Morgan's Virtual Courtroom-20230727 1428-1

Mr. Johnson,

Unfortunately, I will not be able to produce the transcript by Friday, 12/08/23, due to the delay in responding. I should have the transcript ready for email by Friday, 12/22/23.

Thanks,

Betty Lyons

---

**From:** Townes Johnson <tjohnson@sc.legal>  
**Sent:** Tuesday, November 14, 2023 7:04 PM  
**To:** Lyons, Betty <blyons@sccourts.org>  
**Cc:** Coath, Cordelia <ccoath@sccourts.org>  
**Subject:** Re: Webex recording is available for viewing: Judge G. D. Morgan's Virtual Courtroom-20230727 1428-1

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

Hi, Ms. Lyons.

Sorry for the delay. Yes, please proceed with producing the transcript.

Thank you,

Townes

---

**From:** Lyons, Betty <blyons@sccourts.org>  
**Sent:** Sunday, November 5, 2023 8:22 AM  
**To:** Townes Johnson <tjohnson@sc.legal>  
**Cc:** Coath, Cordelia <ccoath@sccourts.org>  
**Subject:** RE: Webex recording is available for viewing: Judge G. D. Morgan's Virtual Courtroom-20230727 1428-1

Mr. Johnson,

This is to confirm receipt of your Transcript Request Form dated 10/29/2023, and received by court reporter on 10/31/2023, requesting production of the transcript from the above referenced Webex hearing. The following is an estimate for producing the transcript from the hearing held on 07/27/2023, Circuit Court, Greenville, South Carolina, before The Honorable Judge G. D. Morgan.

The Webex hearing starts at 3:52 p.m. and ends at 4:43 p.m. I am estimating the transcript to be approximately sixty-five (65) pages at \$4.25 per page for an estimate of \$276.25.

The estimated total for producing the transcript will be approximately \$276.25. I can have the transcript ready for email by Friday, 12/08/2023. You do not have to pay up front. Once I have completed the transcript, I will email an invoice for the exact amount. Payment will be due upon receipt of transcript and invoice.

Please advise via email if you still want the transcript produced.

Thanks,

Betty Lyons

---

**From:** Circuit Court of South Carolina <[messenger@webex.com](mailto:messenger@webex.com)>

**Sent:** Tuesday, October 31, 2023 4:11 PM

**To:** Lyons, Betty <[blyons@sccourts.org](mailto:blyons@sccourts.org)>

**Subject:** Webex recording is available for viewing: Judge G. D. Morgan's Virtual Courtroom-20230727 1428-1

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

Hi, Betty Lyons,

Circuit Court of South Carolina wants to share this Webex recording with you.

Message from Circuit Court of South Carolina: I'm sharing this meeting recording with you.

**Judge G. D. Morgan's Virtual Courtroom-20230727 1428-1**

Thursday, July 27, 2023

8:14 PM | (UTC-04:00) Eastern Time (US & Canada)

[Play recording](#) (4 hrs 45 mins)

Recording password: 2tRnrXpc

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**Dec 11 2023**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In the Court of Appeal

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APPEAL FROM GREENVILLE COUNTY  
Court of Common Pleas

The Honorable J. Derham Cole  
The Honorable G. D. Morgan, Jr.

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Appellate Case No.: 2023-001529

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Zachary Leland Moody and Kristina L. Moody.....Appellants,

v.

Gabriela B. Lopez a/k/a Gabriela Baltazar Lopez-Gutierrez, an individual,  
Leopoldo Vera Hernandez, an individual, Santa Fe Construction, LLC,  
Juan Carlos Maldonado, an individual, ServPro of Pickens County  
d/b/a Blue Moon Enterprises, Inc., Scott D. Caulfield, an individual,  
Keller Williams Western Upstate, The Haro Group of Keller Williams,  
Creasy Construction, LLC, Harry James Creasy, an individual, and  
John Allen Drew, an individual.....Defendants,

Of Which ServPro of Pickens County d/b/a Blue Moon Enterprises, Inc.  
and TCT1, LLC d/b/a Keller Williams Western Upstate, .....Respondents.

---

**PROOF OF SERVICE**

---

I certify that I served the Motion to Reinstate on Respondents ServPro of Pickens County  
d/b/a Blue Moon Enterprises, Inc. and TCT1, LLC d/b/a Keller Williams Western Upstate by email  
on December 11, 2023, addressed to counsel of record as follows.

Allen Leland DuPre, S.C. Bar #13517  
Lyles & Associates, LLC  
1037 Chuck Dawley Blvd., Suite G-100  
Mt. Pleasant, South Carolina 29464  
(843) 577-7730  
ald@lylesfirm.com

**Attorneys for Respondent ServPro of Pickens County d/b/a Blue Moon Enterprises, Inc.**

Daniel L. Draisen. Esq.  
The Injury Law Firm, P.C.  
2006 N. Main Street  
Anderson, South Carolina 29621  
(864) 888-8887  
daniel@injuredsc.com

**Attorneys for Respondent TCT1, LLC d/b/a Keller Williams Western Upstate**

TOWNES B. JOHNSON III, LLC

/s/ Townes B. Johnson III  
Townes B. Johnson III, S.C. Bar # 75412  
PO Box 9246  
Greenville, S.C. 29604  
(864)-757-4899  
tjohnson@sc.legal  
***Attorneys for the Appellant***

Greenville, South Carolina