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December 12, 2023

RECEIVED

Dec 12 2023

SC Court of Appeals

The Honorable Jenny Abbott Kitchings, Clerk
The South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201

Re: *Rose Bernard v. Lucas Green; Aperture Investigations*
Appellate Court Case No.: 2023-001580

Dear Ms. Kitchings:

Yesterday the undersigned counsel for Respondents served upon Plaintiff and filed a Motion for Extension of Time to file Respondents' Initial Brief. Today, at 2:21 p.m., three days before Respondents' Initial Brief is currently due, counsel for the undersigned received copies of the transcripts from the hearings at issue in this matter, despite the transcripts having been prepared on or about October 30, 2023. Despite Appellant's apparent challenge to the contents of the recorded and transcribed transcripts, these transcripts provide relevant information which will be vital to Respondents' Initial Brief.

Further, Appellant has had correspondence with the Court Reporter Manager regarding her challenge to the contents of the transcript on or about November 15, 2023, almost one month ago, and Respondents were not provided copies of these communications. Still further, Appellant filed a document with this Court two weeks ago, on November 29, 2023, labeled by this Honorable Court as "Correspondence Incoming (Copy of Appellant's Challenge of Transcript Sent to Court Administration)" which was not served on Respondent at that time. A response from The Court Reporter Manager was evidently received on December 1, 2023, just under two weeks ago, of which Respondent did not receive a copy.

Appellant has, additionally, served the undersigned with a Motion to move forward despite "inaccurate" transcripts which has not yet been filed with this Honorable Court. As stated above, Respondents believe these transcripts contain information relevant to their defense of this appeal and intend to include the transcripts in their entirety in their Designation of Matters to Be Included in the Record on Appeal.

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December 12, 2023
Page 2 of 2

Had Respondents been served with these transcripts previously and received copies of these communications when Appellant received them, Respondents would have had this information to include in Respondents' Initial Brief. Respondents believe the receipt of this information three days before their Initial Brief is due prejudices Respondents and creates a hardship in properly preparing their Brief.

The undersigned counsel for Respondents respectfully requests that if an Amended Motion is required, this Court advise as soon as possible.

Respectfully submitted,

McCUTCHEN, VAUGHT, GEDDIE
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Luther O. McCutchen, III

LOM:jgr

Enclosure(s)