

THE STATE OF SOUTH CAROLINA
In the Court of Appeals
APPEAL FROM HORRY COUNTY
Court of Common Pleas

RECEIVED
Dec 21 2023
SC Court of Appeals

Benjamin H. Culbertson, Circuit Court Judge
H. Steven DeBerry, Circuit Court Judge

Appellate Case No.: 2023-001580

Rose Bernard,Appellant,

v.

Lucas Green; Aperture Investigations, LLC..... Respondents.

RESPONDENTS' RETURN TO APPELLANT'S
MOTION TO MOVE FORWARD DESPITE INACCURATE COURT TRANSCRIPTS

TO: THE HONORABLE JUDGES OF THE SOUTH CAROLINA COURT OF APPEALS

The undersigned counsel for the Respondents, Lucas Green and Aperture Investigations, filed a Motion for Extension of Time [to file their Initial Brief] and Memorandum in Support Thereof on Monday, December 11, 2023, and said Motion has since been granted. Respondents' Motion to Extend Time outlined the time frames related to Appellant's request for transcripts and the receipt and contesting of the same. The undersigned received the transcripts from the Appellant on Tuesday, December 12, 2023 at 2:21 p.m., together with her Motion to Move Forward Despite Inaccurate Court Transcripts and Exhibits thereto. Appellant's Motion and transcripts were filed after Respondents filed their Motion to Extend Time.

It is the position of the undersigned on behalf of the Respondent that the transcripts are completely thorough and properly and accurately reflect the proceedings for which they were transcribed. The transcriptions were made by a qualified Certified Transcriber for the State of South Carolina for matters related to the circuit courts of South Carolina. The transcripts referenced in Appellant's Motion to Move Forward Despite Inaccurate Court Transcripts, are for hearings before the Honorable H. Steven DeBerry, IV on January 23, 2023 and the Honorable Benjamin H. Culbertson on September 6, 2023, are correct reflections of those proceedings.

The undersigned counsel disputes and denies Appellant's claims that the transcripts of the January 23, 2023 and September 6, 2023 hearings were improperly and/or inaccurately transcribed. The undersigned appeared at both hearings, representing the interests of Respondents.

Further, appended to Appellant's Motion to Move Forward was Exhibit A1, which is an email from Tammie M. Holmes, Court Reporter Manager for the South Carolina Judicial Branch, who informed Appellant that, in response to Appellant's challenge, she listened to the entire audio of the of the January 23, 2023 hearing and simultaneously compared it with the certified transcript of the hearing and found the transcript to be an accurate reflection of what occurred during the proceeding. While the undersigned is unaware of whether or not the September 6, 2023 transcript has yet been reviewed, the undersigned feels confident that Ms. Holmes will have a similar report with regard to that transcript.

Respondents have no objection to this matter moving forward as provided for in this Honorable Court's Ruling on Respondents' Motion to Extend Time. Respondents dispute and object to any assertion that the transcripts are inaccurate reflections of the hearings for which they were transcribed.

Respectfully submitted,

McCUTCHEM VAUGHT GEDDIE &
HUCKS, P.A.

s/Luther O. McCutchen, III

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December 21, 2023
Myrtle Beach, South Carolina