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Feb 28 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GEORGETOWN COUNTY
Court of Common Pleas

The Honorable B. Alex Hyman

Case No. 2020-CP-22-00356
Appellate Case No. 2023-001454

Ron Christmas, Appellant,

v.

County of Georgetown; City of Georgetown; and South Carolina Department of Transportation,
Respondents.

**APPELLANT’S MOTION TO STAY BRIEFING
PENDING EDITING OF TRANSCRIPT**

COMES NOW, Appellant Ron Christmas (“Appellant”) and moves this Court for an Order staying his briefing for thirty (30) days while the trial transcript is edited to eliminate alleged material errors. Appellant’s Initial Brief and related materials are presently due March 14, 2024; the revised due date would be Monday, April 15, 2024.

After numerous transcript extensions, during which portions of the transcription were apparently subcontracted out to a Court Reporter who was not present in the Courtroom for the trial proceedings, Appellant received the transcript on or about February 13, 2024.

Over the ensuing week to ten days, Appellant’s counsel observed that the speaker was misidentified in various places in the transcript and that there appeared to be other areas where missing words detracted from the substance of the transcript. Appellant attempted to contract for an expert third-party reporter to review the transcript and tapes, but the Court Reporter refused to

transfer the tapes without a Court Order (even though she had subcontracted parts of the transcript to a third-party court reporter).

In the interest of time, Appellant submitted a preliminary list of apparent errors to the Court Reporter, while Appellant has commenced the effort to review the rest of the transcript for errors (there are four days of trial transcripts). As Appellant is still working his way through the transcript checking for accuracy, and it is unknown what will result in the corrections expected to be received next week (and it is unknown if the source(s) of the alleged errors is/are poor tape quality, original stenography, and/or later transcription), Appellant is not able to decide yet whether to rely upon the Court Reporter's corrections or to move for the use of a third-party expert Court Reporter to vet the entire transcript.

Therefore, Appellant moves this Court for an Order staying his briefing for thirty days while the transcript is edited to eliminate material errors, or a motion is made for third-party edits. Appellant's Initial Brief and related materials are presently due on March 14, 2024; the revised due date would be Monday, April 15, 2024. Appellant requests that this motion be without prejudice to Appellant's ability to file a subsequent motion based upon the outcome of the foregoing exercise and without prejudice to the Court's standard briefing extensions for attorney workload.

Appellant affirms that he has consulted with opposing counsel on this extension and two have consented and one was unavailable.

-SIGNATURE ON FOLLOWING PAGE-

Respectfully submitted,

JUSTIN O'TOOLE LUCEY, P.A.

/s/Justin Lucey

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PROOF OF SERVICE

I certify that I have served the **APPELLANT'S MOTION TO STAY BRIEFING PENDING EDITING OF TRANSCRIPT** via electronic filing with the Georgetown County on the following counsel of record using the primary email addresses and listed in the Attorney Information System on February 28, 2024:

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