


EXHIBIT " A "

 Law Office of Jay A. Mullinax, LLC

2 PARK LANE, SUITE 303
HILTON HEAD ISLAND, SC 29928

September 6, 2012

VIA U.S. POSTAL SERVICE

Office of Court Administration
1015 Sumter Street, Suite 200
Columbia, SC 29201

Re: Ron Orlosky, Respondent v. The Law Office of Jay A. Mullinax, LLC, Appellant
Appellate Case No.: 2012-212331

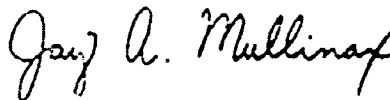
To Whom It May Concern:

Pursuant to Rule 207(a)(5), please allow this correspondence to serve as notice that our office has failed to receive the transcript that was requested in correspondence sent to Ms. Deborah Everett, the court reporter, on June 25, 2012. Also, we have not received notification of an extension. Please advise our office if you require any further action on our part in order to obtain the requested transcript.

If you have any questions, please do not hesitate to contact our office. Thank you for your time and attention to this matter.

Very truly yours,

LAW OFFICE OF JAY A. MULLINAX, LLC



Jay A. Mullinax, Esquire

JAM:lnk

Cc: Ms. Jenny Abbott Kitchings, Clerk of Court, South Carolina Court of Appeals
Mr. John R.C. Bowen, Esquire
Ms. Deborah Everett, Court Reporter

EXHIBIT " B "



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1015 SUMTER STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

March 25, 2013

Mr. Jay Anthony Mullinax
2 Park Lane, Ste. 303
Hilton Head Island SC 29928

Re: Ron Orlosky v. The Law Office of Jay Mullinax
Appellate Case No. 2012-212331

Dear Counsel:

This will acknowledge receipt of your letter dated September 6, 2012 in which you stated you had failed to receive the transcript for the above mentioned case on appeal.

Please be advised that, pursuant to Rule 207 of the South Carolina Appellate Court Rules, you must immediately notify the Court in writing of the date the transcript is received from the court reporter so that appropriate timelines may be set for perfecting this appeal.

Please provide the Court with a written status update regarding the transcript within seven (7) days of the date of this letter.

Very truly yours,


CLERK

cc: John R.C. Bowen

EXHIBIT" C "



Law Office of Jay A. Mullinax, LLC

2 PARK LANE, SUITE 303
HILTON HEAD ISLAND, SC 29928

March 29, 2013

VIA U.S. POSTAL SERVICE

Jenny Abbott Kitchings, Clerk
South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211-1629

Re: Ron Orlosky v. The Law Office of Jay Mullinax
Appellate Case No. 2012-212331

Dear Ms. Kitchings:

I am writing in response to your correspondence dated March 25, 2013. As of today, our office has not received the transcript or notification of an extension.

If you have any questions, please do not hesitate to contact our office. Thank you for your time and attention to this matter.

Very truly yours,

LAW OFFICE OF JAY A. MULLINAX, LLC

Jay A. Mullinax, Esquire

JAM:kem

Cc: Mr. John R.C. Bowen, Esquire

EXHIBIT " D "



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1015 SUMTER STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

June 06, 2013

Mr. Jay Anthony Mullinax
2 Park Lane, Ste. 303
Hilton Head Island SC 29928

Mr. John R.C. Bowen
PO Drawer 21119
Hilton Head Island SC 29925-1119

Re: Ron Orlosky v. The Law Office of Jay Mullinax
Appellate Case No. 2012-212331

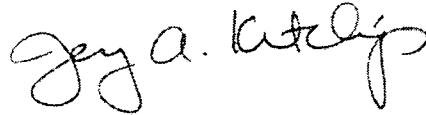
Dear Counsel:

Please see the attached order regarding the motion to dismiss. All parties are advised that this matter is no longer held in abeyance.

If the parties would like to proceed without the transcript, then written consent from all the parties must be provided to this Court and the appellant's initial brief and designation of matter must be served and filed no more than thirty (30) days from the date of this letter.

If the parties would like the matter remanded back to the circuit court in order to reconstruct the record, then a motion must be filed no more than fifteen (15) days from the date of this letter.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Jey A. Katelip".

CLERK

cc: South Carolina Court Administration

The South Carolina Court of Appeals

Ron Orlosky in his capacity as Personal Representative
of The Estate of Debora L. Orlosky, and in his capacity
as trustee of the Deborah Laura Orlosky Revocable Trust,
Respondent,

v.

The Law Office of Jay A. Mullinax, LLC., Appellant.

Appellate Case No. 2012-212331

ORDER

After careful consideration, Respondent's motion for involuntary dismissal is denied.


FOR THE COURT

Columbia, South Carolina

FILED
JG. 6-6-13

cc:

Jay Anthony Mullinax
John R.C. Bowen

EXHIBIT " E "

IN THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY

Roger M. Young, Circuit Court Judge

Case No. 2012-212331

Ron Orlosky in his capacity as Personal
Representative of The Estate of Debora
L. Orlosky and in his capacity as trustee
of the Debora Laura Orlosky Revocable
Trust

RECEIVED
JUN 21 2013
Court of Appeals

Respondent

v.

The Law Office of Jay A. Mullinax, LLC

Appellant

APPELLANT'S MOTION TO REMAND TO CIRCUIT COURT AND MEMORANDUM IN
SUPPORT

Pursuant to South Carolina Appellate Court Rule 240, Appellant, The Law Office of Jay A. Mullinax, LLC, by and through undersigned counsel, hereby responds to the South Carolina Court of Appeal's letter dated June 06, 2013 and requests that the matter of Ron Orlosky v. The Law Office of Jay Mullinax, identified as Case No.: 2012-212331 be remanded back to the circuit court in order to reconstruct the record.

MEMORANDUM IN SUPPORT

BACKGROUND

On July 29, 2010, Defendant filed a creditor's claim in the Beaufort County Probate Court for the outstanding balance Plaintiff owed Defendant, plus a statutory 8.75% interest rate. On August 20, 2010, three weeks after Defendant filed the creditor's claim against the Plaintiff, Plaintiff filed suit in the Beaufort County Circuit Court against Defendant for breach of contract seeking damages of \$29,751.68 (plus interest) and (\$89,253.00 treble damages) for unfair trade practices. Defendant's creditor's claim against Plaintiff filed on July 29, 2009 was subsequently removed to Circuit Court and the Defendant's claim and the Plaintiff's suit were essentially merged and resulted in a jury trial. The Court disallowed the claim for unfair trade practices.

On April 20, 2012, a Beaufort County Jury returned a verdict in favor of Respondent and against Appellant in the amount of \$80,000.00 actual damages. On April 26, 2012 Appellant filed post-trial motions for Directed Verdict, Relief from Judgment To Alter or Amend Judgment, and for a New Trial Absolute of New Trial Nisi Remittitur which were denied on May 17, 2012, but the Court stayed the judgment based on post-trial motions, pending Appeal.

Appellant filed the Notice of Appeal on June 18, 2012, and requested the transcript from the court reporter and from the Beaufort County Clerk of Court on June 25, 2012. The transcript was unattainable. Appellant complied with all other post-trial Rules and the Respondent filed a Motion to Dismiss the Appeal alleging Appellant failed to comply with the Rules. The Court of Appeals dismissed the Respondent's motion and advised the parties of two options: (1) If the parties would like to proceed without the transcript, then written consent from all the parties must be provided to the Court and the Appellant's initial brief and designation of matter must be

served and filed no more than thirty (30) days from the date of the Court of Appeal's letter dated June 06, 2013; or (2) If the parties would like the matter remanded back to the circuit court in order to reconstruct the record, then a motion must be filed no more than fifteen (15) days from the date of this the Court of Appeal's letter dated June 06, 2013. Appellant files this motion to remand the case to the Circuit Court to reconstruct the record, one of the two options provided by the court.

DISCUSSION

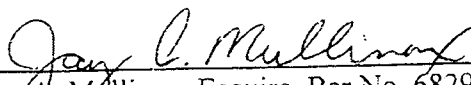
Based on the Court of Appeal's letter dated June 06, 2013, the Court of Appeals granted two options: (1) If the parties would like to proceed without the transcript, then written consent from all the parties must be provided to the Court and the Appellant's initial brief and designation of matter must be served and filed no more than thirty (30) days from the date of the Court of Appeal's letter dated June 06, 2013; or (2) If the parties would like the matter remanded back to the circuit court in order to reconstruct the record, then a motion must be filed no more than fifteen (15) days from the date of this the Court of Appeal's letter dated June 06, 2013. The Appellant reviewed the options presented and chooses the option to remand the matter back to the circuit court in order to reconstruct the record, or alternatively, for the circuit court to simply conclude that the record could not be reconstructed with the specificity to support meaningful appellate review.

CONCLUSION

The Appellant requests that this matter be remanded back to the circuit court in order to reconstruct the record, or alternatively, for the circuit court to simply conclude that the record could not be reconstructed with the specificity to support meaningful appellate review. If a

transcript is altogether inaccurate and no adequate record of what transpired at trial can be reconstructed, the Appellant requests that the court remands for a new trial.

June 18th .2013


Jay A. Mullinax, Esquire, Bar No. 68293
Law Office of Jay A. Mullinax, LLC
2 Park Lane, Suite 303
Hilton Head Island, SC 29928
(843) 785-6101

IN THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY

Roger M. Young, Circuit Court Judge

Case No. 2012-212331

Ron Orlosky in his capacity as Personal
Representative of The Estate of Debora
L. Orlosky and in his capacity as trustee
of the Debora Laura Orlosky Revocable
Trust

Respondent

v.

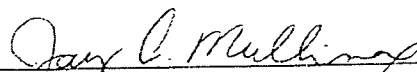
The Law Office of Jay A. Mullinax, LLC

Appellant

CERTIFICATE OF SERVICES

I certify that I have served the Appellant's Motion to Remand to Circuit Court and Memorandum in Support on Ron Orlosky by depositing a copy of it in the United States Mail, postage prepaid, addressed to his attorney of record, John R. C. Bowen, Esquire, Laughlin & Bowen, P.C., P.O. Drawer 21119, Hilton Head Island, SC 29925, Attorney for Respondent.

June 18th, 2013


Jay A. Mullinax, Esquire, Bar No. 68293
Law Office of Jay A. Mullinax, LLC
2 Park Lane, Suite 303
Hilton Head Island, SC 29928
(843) 785-6101

EXHIBIT" F "88

LAUGHLIN & BOWEN. P.C.

P.O. Drawer 21119
Hilton Head Island, South Carolina 29925
WWW.LAUGHLINANDBOWEN.COM

Drew A. Laughlin
John R.C. Bowen*
Jennie S. Cerrati**
*Admiralty Law
**Admitted in CA and SC

Telephone
(843)689-5700
Facsimile
(843)689-9300
Sender's E-Mail
john@laughlinandbowen.com

June 14, 2013

VIA U.S. MAIL

Mrs. Harriett P. Bennett
46 Regency Oaks Drive
Summerville, SC 29485

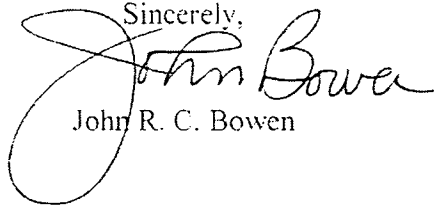
RE: Ron Orlosky v. The Law Office of Jay A. Mullinax, LLC

Dear Ms. Bennett:

We represent Mr. Orlosky in the above matter which is the subject of an appeal filed by Mullinax. It is my understanding from Ms. Desiree Allen at Court Administration that you may have some or all of the material in the above case for which Ms. Deborah Everett originally served as Court Reporter. If this is correct, I would appreciate it if you could give me a call at your earliest convenience.

Please do not hesitate to contact us should you have any questions. In the meantime, and with kind regards, I am

Sincerely,



John R. C. Bowen

JRCB/sv

cc:

Ms. Desiree Allen
Mr. Ronald Orlosky
Stephen A. Spitz, Esquire
Mr. Jay A. Mullinax, Esquire

EXHIBIT " 9 " 77

LAUGHLIN & BOWEN. P.C.

P.O. Drawer 21119
Hilton Head Island, South Carolina 29925
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Drew A. Laughlin
John R.C. Bowen*
Jennie S. Cerrati**
*Admiralty Law
**Admitted in CA and SC

Telephone
(843)689-5700
Facsimile
(843)689-9300
Sender's E-Mail
john@laughlinandbowen.com

June 18, 2013

VIA COURIER & FACSIMILE TO: 843-785-6104

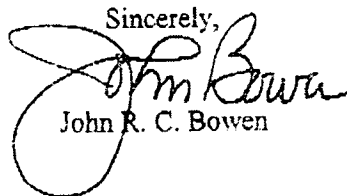
Mr. Jay A. Mullinax
The Law Office of Jay A. Mullinax, LLC
2 Park Lane, Ste 303
Hilton Head Island, SC 29928

RE; Orlosky v. Mullinax
Appeilate Case No.: 2012-212331

Dear Mr. Mullinax:

Tonight I received a call from Ms. Harriet Bennett, a retired Court Reporter from Summerville to whom I was referred by Court Administration. Ms. Bennet stated that she was in possession of the discs from the above trial, that some of the proceedings appeared to be missing from the discs; but that she could reproduce several hundred pages, including all of your trial testimony. She further advised that she had informed you of this some time ago, but that you had not asked her to reproduce any of the transcript. I am very surprised and disappointed that you did not advise me or the Court of the existence of this material.

Please consider this as my formal request for you to contact Ms. Bennett and obtain from her the Trial Transcript or so much of it as she is able to reproduce. Please do not hesitate to contact me if you have any questions. In the meantime, and with kind regards, I am

Sincerely,

John R. C. Bowen

JRCB/sv
cc:
Mr. Ronald Orlosky (via e-mail)
Stephen A. Spitz, Esquire

EXHIBIT" H "



Law Office of Jay A. Mullinax, LLC

2 PARK LANE, SUITE 303
HILTON HEAD ISLAND, SC 29928

July 3, 2013

VIA U.S. POSTAL SERVICE

Mrs. Harriett P. Bennett
46 Regency Oaks Drive
Summerville, SC 29485

Re: Ron Orlosky v. The Law Office of Jay A. Mullinax

Dear Mrs. Bennett:

I am following up with you in regard to your telephone message of July 1, 2013, concerning the above referenced case. I recently was informed that that you may have some information about documents related to the case. As you may know, I am unaware of your relationship to the case or the parties. Additionally, I am unaware of any previous communication between us and have only recently become aware of your existence.

Please be advised that a motion is currently pending in the South Carolina Court of Appeals that will determine the future actions of the parties. Once the Court of Appeals rules on the motion, we may follow up with you concerning your information. In the interim, we will await the decision of the Court of Appeals, who has jurisdiction in this matter.

For your reference, I have enclosed a copy of recent correspondence we received from Mr. Bowen, opposing counsel in the above referenced matter. In his correspondence, Mr. Bowen expressly states that you and I have previously communicated. As mentioned above, I am unaware of any previous communication between us and until I received the enclosed correspondence from Mr. Bowen, I was unaware of your existence. If I am mistaken, please advise me of the same.

Thank you for your assistance in this matter.

Very truly yours,

LAW OFFICE OF JAY A. MULLINAX, LLC

Jay A. Mullinax, Esquire

JAM:kem

Cc: John R. C. Bowen
Stephen A. Spitz, Esquire

EXHIBIT" I 88

HARRIET P. BENNETT
46 Regency Oaks Drive
Summerville, S.C. 29485

July 5, 2013

Jay A. Mullinax, Esq.
Law Office of Jay A. Millinax
Two Park Lane, Suite 303
Hilton Head Island, S.C. 29928

IN RE: Ron Orlosky v. The Law Office
of Jay A. Mullinax

Dear Mr. Mullinax:

I received your letter of July third concerning the record in the above matter, and stating that you are unaware of my existence in this case. I am a retired Circuit Court Reporter, having assisted Court Administration since my retirement with producing transcripts of records of other reporters as needed.

Several months ago Court Administration sent to me a good number of records on cases taken by Debbie Everett which had not been produced. She was no longer employed by Court Administration, and they asked that I let them know what records could be produced of the material they had received from her.

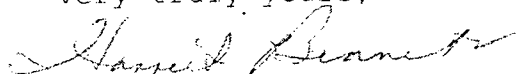
They asked that I scan the material and advise them concerning the status of the transcripts, which I did. I was then asked to produce what transcripts I could from that material.

At that time I called your office to advise that I had two discs in this case, one of which was blank, and the other only contained the Defense portion of the case, beginning when you yourself took the stand.

I never received any reply from you but did have some communication from Mr. John Bowen who learned I had this material. At that time, I called your office and left the same message I had before, which is what your letter was in reply to.

I will await further word, but I did want to explain this to you.

Very truly yours,



copy to Desiree Allen, Court Admin
John R. C. Bowen, Esq.

EXHIBIT" J "



Law Office of Jay A. Mullinax, LLC

2 PARK LANE, SUITE 303
HILTON HEAD ISLAND, SC 29928

July 8, 2013

VIA U.S. POSTAL SERVICE

Mrs. Harriett P. Bennett
46 Regency Oaks Drive
Summerville, SC 29485

Re: Ron Orlosky v. The Law Office of Jay A. Mullinax

Dear Mrs. Bennett:

I am following up with you in regard to your reply correspondence dated July 5, 2013, concerning the above referenced case. I very much appreciate you following up with me. As noted in my previous correspondence to you, until the recent telephone call referenced in my letter to you, I was unaware of your existence or the materials you referenced. In fact, prior to responding to your recent telephone call, we scoured our records and could find no record of any communication or messages you had with our office.

Nevertheless, as previously noted, a motion is currently pending in the South Carolina Court of Appeals that will determine the future actions of the parties. Once the Court of Appeals rules on the motion, we may follow up with you concerning your information. In the interim, we will await the decision of the Court of Appeals, who has jurisdiction in this matter. Any other action would seem presumptuous, inefficient, and disrespectful to the Court of Appeals which will ultimately determine the actions by the parties.

For the reference of the Court Administration, whom you copied on your recent correspondence, I have enclosed a copy of my earlier correspondence to you and the correspondence we received from Mr. Bowen, opposing counsel in the above referenced matter. In his correspondence, Mr. Bowen expressly states that you and I have previously communicated, a statement that we both recognize as blatantly false. As mentioned above, I am unaware of any previous communication between us and until I received the enclosed correspondence from Mr. Bowen, I was unaware of your existence.

Thank you again for your assistance in this matter.

Very truly yours,

LAW OFFICE OF JAY A. MULLINAX, LLC

Jay A. Mullinax, Esquire

/Enclosures

JAM:kem

Cc: John R. C. Bowen, Esquire (w/o enclosures)

Tel: (843) 785-6101 Fax: (843) 785-6104

www.sc-estateplanning.com

Stephen A. Spitz, Esquire (w/o enclosures)
Desiree Allen, Court Admin

EXHIBIT" K "

LAUGHLIN & BOWEN, P.C.
P.O. Drawer 21119
Hilton Head Island, South Carolina 29925
WWW.LAUGHLINANDBOWEN.COM

Drew A. Laughlin
John R.C. Bowen*
Jennie S. Cerrati**
*Admiralty Law
**Admitted in CA and SC

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Sender's E-Mail

john@laughlinandbowen.com

July 18, 2013

Mrs. Harriett P. Bennett
46 Regency Oaks Drive
Summerville, SC 29485

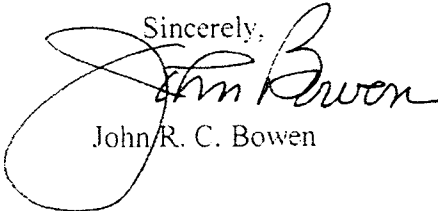
RE: *Ron Orlosky in his capacity as Personal Representative of The Estate of Debora L. Orlosky and in his capacity as trustee of the Debora Laura Orlosky Revocable Trust v. The Law Office of Jay A. Mullinax, LLC,*
Beaufort County Case No. 2010-CP-07-4146
Appellate Case 2012-212331

Dear Ms. Bennett:

We represent Ron Orlosky who is the Respondent in the above matter currently on appeal. We understand that you were sent the discs for the above matter by Court Administration, and that they may contain less than the entire trial. We also understand that the Appellant, Mr. Mullinax, has not requested you to produce any portion of the transcript. Therefore, please accept this as a formal request on behalf of the Respondent for you to transcribe those materials which you have received, and to provide me with a copy. Of course, we agree to pay the per page charge for this copy as set forth in the Appellate Court Rules.

Please do not hesitate to contact us should you have any questions. In the meantime, and with kind regards and thanks for your assistance, I am

Sincerely,



John R. C. Bowen

JRCB/sv

cc:

Ms. Desiree Allen
Mr. Ronald Orlosky
Stephen A. Spitz, Esquire
Jay A. Mullinax, Esquire

EXHIBIT" L "



Law Office of Jay A. Mullinax, LLC

2 PARK LANE, SUITE 303
HILTON HEAD ISLAND, SC 29928

July 19, 2013

VIA U.S. POSTAL SERVICE

Mrs. Harriett P. Bennett
46 Regency Oaks Drive
Summerville, SC 29485

Re: Ron Orlosky v. The Law Office of Jay A. Mullinax, LLC

Dear Mrs. Bennett:

We are in receipt of a copy of the correspondence sent to you from Mr. Bowen dated July 18, 2013. Please be advised that we have a motion pending in the Court of Appeals to remand this case to the Circuit Court for a retrial. Through no fault of your own, it is our understanding that the Court Reporter failed to provide you a complete record of the trial, and is our understanding that you are only in possession of a portion of the record.

In regard to the motion pending in the Court of Appeals, we would adamantly object to you producing any of the transcript until an order has been granted for the motion. We are of the opinion that any other act would be presumptuous and disrespectful of the Courts of Appeals and the Circuit Court's jurisdiction and control of these matters.

Since you only possess a limited portion of the trial, it would be extremely prejudicial to the Appellant to create a partial transcript because it is considered incomplete and does not reflect a reasonable record of what transpired during the trial. Unless the Court of Appeals states otherwise, there is no reason for the incomplete transcript to be produced and disbursed until the Court has made an order on the pending motion. Thereafter, I anticipate subsequent Court orders and party motions will dictate the custody, control, and disposition of your incomplete records.

If for any reason you intend to release or produce any portion of the record without contemporaneous Court authorization, please advise me and expect motions concerning the aforementioned. Thank you for your assistance in this matter.

Very truly yours,

LAW OFFICE OF JAY A. MULLINAX, LLC

Jay A. Mullinax, Esquire

JAM:kem

Cc: John R. C. Bowen, Esquire
Stephen A. Spitz, Esquire
Desiree Allen, Court Admin

Tel: (843) 785-6101 Fax: (843) 785-6104

www.sc-estateplanning.com