



EXHIBIT " A "

The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
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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

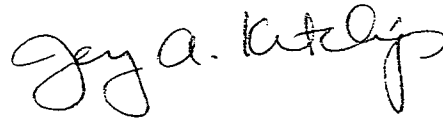
Dear Counsel:

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 black ink, appearing to read "Jey A. Kalyan". The signature is fluid and cursive, with the first name "Jey" and last name "Kalyan" clearly distinguishable.

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

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

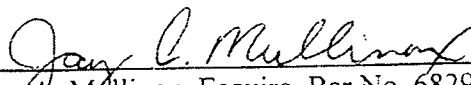
Based on the Court of Appeal's letter dated June 06, 2013, the Court of Appeals granted two options: (1) If the parties would like to proceed without the transcript, then written consent from all the parties must be provided to the Court and the Appellant's initial brief and designation of matter must 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
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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
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L. Orlosky and in his capacity as trustee
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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
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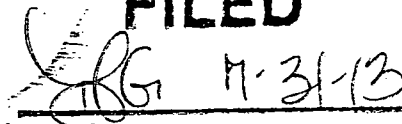
Appellate Case No. 2012-212331

ORDER

Appellant has filed a motion to remand to the circuit court for reconstruction of the record. The motion is granted and this case is remanded to the Beaufort County Court of Common Pleas. Counsel for Appellant is ordered to contact counsel for Respondent and the circuit court judge, the Honorable Roger M. Young, within ten days of this order to schedule such hearings as the circuit court judge deems appropriate to accomplish the reconstruction. Counsel for Appellant shall provide an update to the clerk of this court no later than fifteen days from the date of this order, with a copy to counsel for Respondent.


FOR THE COURT

FILED


RG 11-31-13

Columbia, South Carolina

cc:

Jay Anthony Mullinax

John R.C. Bowen

Judge Roger M. Young