

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM DORCHESTER COUNTY  
Court of Common Pleas

The Honorable Diane Goodstein, First Judicial Circuit  
Honorable Maite Murphy, First Judicial Circuit

Appellate Case No. 2023-000879

Molly M. Morpew

Appellant

v.

Stephen Dudek and Doreen Cross

Respondents

APPELLANT'S MOTION TO EXCLUDE MATTER; EXTENSION TO RE-SERVE RECORD;  
EXTENSION TO FILE FINAL BRIEFS AND THE RECORD ON APPEAL

Appellant, Molly Morpew, (herein "Appellant") submits this Motion to exclude Respondents Stephen Dudek and Doreen Cross' designation of matter from the Record of Appeal, specifically: 1) Order granting summary judgment, October 11, 2022, Case No. 2018-CP-18-1661. The order was vacated on orders from the Honorable Judge Goodstein, Chief Administrative Judge, and is no longer in existence or in the lower court record, thus cannot be certified or provided to the Appellant to be included in the record nor considered by the courts; and 2) the Entire Transcript, October 2, 2019,

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Case No. 2018-CP-18-1661, due that the lower court nor the lower court calendar has no record of a court reporter present on October 2, 2019.

On April 29, 2024, Appellant received an order from this court denying its motion to exclude Respondents' designation of matter items (3) and (4) (Exhibit 1, Appellate Court Order, April 24, 2024).

In order to verify or prove that the October 11, 2022, Order no longer exists, and that there was no evidence of a court reporter thus no transcripts dated October 2, 2019, on May 6, 2024, at 11:00 a.m., Appellant traveled to the Dorchester County Court and spoke with Deputy Clerk of Court, Rosealee Baldwin, and Court Support Specialist, Rosea Brown, specifically to obtain a certified copy of the October 11, 2022 order and the name and contact information of an alleged court reporter to obtain transcripts to include in the record on appeal. The Clerk was unable to find any order dated or filed October 11, 2022, nor could find any evidence of a court reporter present on October 2, 2019. Appellant was also given a website to confirm for herself no court reporter could be found for October 2, 2019. (Exhibit 2, Screenshot of Term of Court, October 2019).

The Order had been vacated on October 13, 2022, and was no longer in the record, could not be obtained, and unavailable for consideration. Specifically, the order was issued improperly or in error based on a hearing taking place without Appellant present and while an order of protection at that time was in place. The order was vacated and removed from the record by the Chief Administrative Judge, the Honorable Judge Goodstein. (Exhibit 3, Certified copy of the October 13, 2022, order vacating the October 11, 2022, order due being moot). Appellant verifies the order is not in the lower court record thus could not obtain a certified copy from the court to include it in the record on appeal. Matter not found in the lower court record or matter unable to be found or certified by the lower court cannot be considered by the lower court [or any court] thus fails to conform to

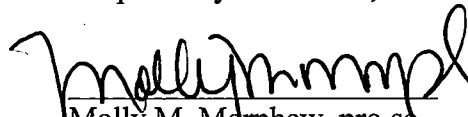
Rule 209 SCACR. Due the above, Appellant respectfully requests the Respondents amend their designation of matter to remove the improper October 11, 2022, Order.

The lower court could not provide to Appellant a court reporter nor was a court reporter included in the Terms of Court calendar for October 2, 2019, therefore no correspondence in accordance with Rule 207 SCACR is able to be provided to all parties, the Office of Court Administration and the clerk of the appellate court. Therefore, Appellant is unable to obtain an alleged transcript, thus it is impossible to include in the record on appeal.

Based on the above, the Order of October 11, 2022, no longer exists and cannot be certified by the lower court, thus fails to conform to Rule 209 SCACR and requires to be removed from any designation of matter in this case. Further, the Appellant has done everything in her power to obtain the name and contact information of the alleged court reporter on October 2, 2022. The verified lack of information or absence of a court reporter on October 2, 2019, makes the existence of any transcript dated October 2, 2019, as designated by the Respondents impossible. Consequently, Appellant respectfully asks that the Defendants amend their designation of matter to remove the alleged entire transcript dated October 2, 2019.

Appellant also asks this court for an extension to re-serve the Record on the Respondents, thus an extension to file its final briefs and Record until this court's decision.

Respectfully Submitted,



Molly M. Morphew, pro se  
285 Wooden Horse Run  
Ridgeland, SC 29936  
843-514-7299

May 7, 2024

EX. 1

The South Carolina Court of Appeals

Molly M. Morphey, Appellant,

v.

Stephen Dudek and Doreen Cross, Respondents.

Appellate Case No. 2023-000879

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ORDER

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Appellant has filed a motion to exclude Respondents' designated items (3) and (4), the circuit court's order filed October 11, 2022, and the transcript of the hearing held on October 2, 2019. After careful consideration, the motion is denied. The circuit court's order is appropriate for inclusion in the record on appeal. See Rule 210(c), SCACR. Additionally, the orders on appeal and Public Index reflect that a hearing did take place on October 2, 2019. Appellant has failed to file with this court proof that she contacted the court reporter or Office of Court Administration and determined no transcript is available. See Rule 207(a)(1), SCACR ("Appellant shall contemporaneously furnish all parties, the Office of Court Administration, and the clerk of the appellate court with copies of all correspondence with the court reporter.").

Appellant's motion for an extension is granted. Appellant shall file the record on appeal and Appellant's final brief within thirty days of the date of this order.



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FOR THE COURT

Columbia, South Carolina

cc:  
Molly M. Morphey  
Zachary James Closser, Esquire

**FILED**  
**Apr 24 2024**

EX.2

October ▼ 2019 ▼

Search

Terms of Circuit and Family Court  
October 2019

Circuit Number	10/7/2019	10/14/2019	10/21/2019	10/28/2019
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<p><u>1</u></p>	<p>General Sessions Calhoun Dickson, Edgar</p> <p>NEVERS 7, 8 NO CR NEEDED 9, 10 NEVERS 11 am</p> <p>General Sessions Dorchester Murphy, Maite</p> <p>TORRES 7 NO CR NEEDED 8 TORRES 9, 10 NO CR NEEDED 11</p> <p>Common Pleas/Common Pleas Nonjury Dorchester Benjamin, DeAndrea</p> <p>KELLY 7 am NO CR NEEDED 8, 9, 10, 11</p> <p>General Sessions Non- Jury 7, 8 Dickson, Edgar</p> <p>NEVERS 7, 8</p> <p>General Sessions Non- Jury 11 Dickson, Edgar</p> <p>NEVERS 11 am</p>	<p>Common Pleas/Common Pleas Nonjury Orangeburg Dickson, Edgar</p> <p>SPIRES</p> <p>General Sessions Dorchester Murphy, Maite</p> <p>TORRES 14, 15 NO CR NEEDED 16 TORRES 17 NO CR NEEDED 18</p> <p>Common Pleas Non-Jury 18 Dickson, Edgar</p> <p>SPIRES 18</p> <p>General Sessions Non- Jury 18 Dickson, Edgar</p> <p>SPIRES 18</p>	<p>General Sessions Orangeburg Dickson, Edgar</p> <p>SPIRES</p> <p>Common Pleas/Common Pleas Nonjury Dorchester Goodstein, Diane</p> <p>TORRES 21 SMITH 22 TORRES 23, 24 NO CR NEEDED 25</p>	<p>General Sessions Orangeburg Dickson, Edgar</p> <p>SPIRES 28, 29 HARRIS 30, 31 NO CR NEEDED 1</p> <p>Common Pleas/Common Pleas Nonjury Dorchester Goodstein, Diane</p> <p>TORRES 28, 29, 30, 31 NO CR NEEDED 1</p>
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<p>Family Court Dorchester McLin, Nancy C.</p> <p>DCRP</p>	<p>Family Court Dorchester Wylie, William J.</p> <p>DCRP</p>	<p>Family Court 21, 22, 23, 24 Dorchester McLin, Nancy C.</p> <p>DCRP 21, 22, 23, 24</p>	<p>Family Court Orangeburg Jones, Anne Gue</p> <p>COLLINS</p>
<p>Family Court Orangeburg Jones, Anne Gue</p> <p>COLLINS</p>	<p>Family Court Orangeburg Jones, Anne Gue</p> <p>MURDAUGH 14, 15 am MURDAUGH 16, 17, 18</p>	<p>Family Court Dorchester Wylie, William J.</p> <p>MURDAUGH 21, 22 am MURDAUGH 23 am, 24, 25 am</p>	<p>Family Court Dorchester McGee, Randall E.</p> <p>MURDAUGH 28, 29 NO CR NEEDED 30 MURDAUGH 31, 1</p>
<p>Family Court Dorchester McGee, Randall E.</p> <p>MURDAUGH 7, 8 am NO CR NEEDED 9 MURDAUGH 10, 11</p>	<p>Family Court Calhoun / Dorchester McGee, Randall E.</p> <p>DERRICK 14 LEBLANC 15 NO CR NEEDED 16 SALTERS 17 HILL 18 am</p>	<p>Family Court Orangeburg McGee, Randall E.</p> <p>COLLINS</p>	<p>Family Court Dorchester Abstance, Angela W.</p> <p>DCRP 28 NO CR NEEDED 29 DCRP 30 NO CR NEEDED 31, 1</p>

EX. 3

FORM 4

STATE OF SOUTH CAROLINA  
COUNTY OF DORCHESTER  
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CERTIFIED COPY

CASE NO. 2018 CP-18-01661

MOLLY M. MORPHEW 2024 MAY -6 AM 11:09 STEPHEN DUDEK and DOREEN CROSS

PLAINTIFF(S)

DEFENDANT(S)

*Christ Stearn*  
CLERK OF COURT  
DORCHESTER COUNTY

Submitted by:

Attorney for :  Plaintiff  Defendant  
or  
 Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.  See Page 2 for additional information.
- ACTION DISMISSED (CHECK REASON):**  Rule 12(b), SCRPC;  Rule 41(a), SCRPC (Vol. Nonsuit);  Rule 43(k), SCRPC (Settled);  Other
- ACTION STRICKEN (CHECK REASON):**  Rule 40(j), SCRPC;  Bankruptcy;  Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;  Other
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**  
 Affirmed;  Reversed;  Remanded;  Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

**IT IS ORDERED AND ADJUDGED:**  See attached order (formal order to follow)  Statement of Judgment by the Court: This matter came before Judge Goodstein as the result of the granting of Defendant's Motion for Summary Judgement from a hearing held on 9/19/2022. On 9/8/2022, Plaintiff submitted an Order of Protection for the dates of 9/15/2022 - 10/5/2022 and 10/21/2022 - 11/4/2022. This Order of Protection was signed by Judge Goodstein prior to the hearing; however, it was not filed until after the hearing due to travel and the Order could not be e-filed because it was for a pro se Plaintiff. On 9/19/2022, Judge Murphy held a motion hearing regarding this case and moved forward with the hearing. While it is unclear at the whether Judge Murphy was aware of the submittal of the Order of Protection, it is clear Judge Murphy was not aware of the granting of the order of protection. As a result of the hearing, a Motion for Summary Judgement was entered in favor of Defendant's. On 10/11/2022, Defendant filed a motion to amend the Plaintiff's Order of Protection. As a result of the motion to amend, this Court became aware of the issue and determined a status conference was necessary. All parties were given notice of a virtual status conference to be held on 10/13/2022 at 11am via phone call, emails, and official roster notices from the Clerk of Court. At the status conference Defense counsel was present, and the defendants were present. Plaintiff, Molly Morphey, was not present. During the status conference, Judge Goodstein informed the Defendants that Judge Murphy was going to vacate the granting Defendant's Motion Summary Judgement, and the motions will be re-heard before Judge Goodstein on Monday, November 21, 2022 at 10:00am via WebEx. This case shall not be continued by any other Judge except Judge Goodstein, as Chief Administrative Judge.

ORDER INFORMATION

This order  ends  does not end the case.

Additional Information for the Clerk : \_\_\_\_\_

INFORMATION FOR THE JUDGMENT INDEX

CERTIFIED COPY

2024 MAY -6 AM 11: 09



*Carol Stebbins*  
CLERK OF COURT  
DORCHESTER COUNTY

Dorchester Common Pleas

**Case Caption:** Molly M Morpew VS Stephen Dudek , defendant, et al  
**Case Number:** 2018CP1801661  
**Type:** Order/Other

It is so Ordered!

s/Diane S. Goodstein

Electronically signed on 2022-10-13 13:41:23 page 3 of 3

ELECTRONICALLY FILED - 2022 Oct 13 2:42 PM - DORCHESTER - COMMON PLEAS - CASE#2018CP1801661

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM DORCHESTER COUNTY  
Court of Common Pleas

SC Court of Appeals

The Honorable Diane Goodstein, First Judicial Circuit  
Honorable Maite Murphy, First Judicial Circuit

Appellate Case No. 2023-000879

Molly M. Morphew, Appellant,

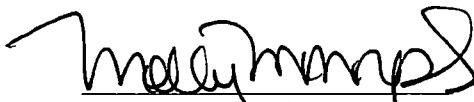
v.

Stephen Dudek and Doreen Cross, Respondents.

CERTIFICATE OF SERVICE

I, Molly M. Morphew, Appellant, pro se for said case, hereby certify that I have, on this date indicated below, served counsel below with Appellant's MOTION TO EXCLUDE AND EXTENSION by mailing a copy of same via United States Mail, postage prepaid and return address clearly indicated on said envelope, to counsel at the following address:

**Zachary Closser, Esquire  
P.O. Box 40578  
Charleston, SC 29423-0578**

  
Molly M. Morphew, pro se

May 7, 2024

May 7, 2024

The Honorable Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
1015 Sumter Street  
Columbia, South Carolina 29211

Re: Appellate Case No. 2023-000879  
Molly M. Morpew v. Stephen Dudek and Doreen Cross

Dear Ms. Kitchings:

Please find enclosed Appellants MOTION TO EXCLUDE AND EXTENSION and CERTIFICATE OF SERVICE to be recorded and filed.

Also enclosed is a copy of above to be kindly recorded and returned in the self-addressed, stamped envelope.

Thank you and very truly yours,

A handwritten signature in black ink, appearing to read "Molly Morpew". The signature is fluid and cursive, with a large initial "M" and a long, sweeping underline.

Molly Morpew, pro se

Cc: Zachary Closser, Esq.

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