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SC Court of Appeals

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STATE OF SOUTH CAROLINA: COURT OF COMMON PLEAS
SIXTH JUDICIAL CIRCUIT: LANCASTER COUNTY

ROBERTA MOORE)
) Docket No.
PLAINTIFF,) 2023-CP-29-00493
)
)
V.)
)
REBECCA GIESLER) Hearing
)
)
DEFENDANT.)

January 8, 2024
Lancaster, South Carolina

B-E-F-O-R-E:

THE HONORABLE BRIAN M. GIBBONS

A-P-P-E-A-R-A-N-C-E-S:

Roberta Moore, self represented for the Plaintiff

Jennifer Cloud, Esq.
Attorney for the Defendant

Maria DiScioscia, RPR
Official Court Reporter

1 THE BAILIFF: All rise.

2 THE COURT: Thank you. Y'all may be seated.

3 I'll call this term of common pleas nonjury
4 motions to order. I have criminal court or general
5 sessions promptly at 11:00. There's only fives matters
6 on the roster this morning.

7 One thing I want to handle that's not on the
8 roster this morning is this case. I issued a Form 4
9 order on back in July actually and it's Roberta Moore
10 versus Rebecca Giesler. Who's present here for that?

11 MS. MOORE: I am. I'm Roberta.

12 MS. CLOUD: And counsel for the defendant.

13 THE COURT: Okay. Come up here. It's not on
14 my roster, but the clerk's office handed me -- y'all
15 just have a seated at each table. The clerk handed me
16 my Form 4 and indicated that people were here for this
17 case. Y'all are here for what reason? Go ahead. I'm
18 listening.

19 MS. CLOUD: The Form 4 was for a motion to
20 dismiss and some of the causes of action were dismissed
21 but not all of them.

22 THE COURT: And what is your name for the
23 record ma'am?

24 MS. CLOUD: Jennifer Cloud.

25 THE COURT: Ms. Cloud, the action was -- it

1 looks like my order -- I read my order. I see what I
2 did. The check said the order ends the case, but the
3 case is not ended.

4 MS. CLOUD: Correct.

5 THE COURT: So you agree with that?

6 MS. MOORE: Yes, your Honor.

7 THE COURT: The case -- several causes of
8 action continued?

9 MS. CLOUD: Yes, sir.

10 THE COURT: Is that your understanding ma'am?

11 MS. MOORE: Yes, Judge.

12 THE COURT: And you are, whom?

13 MS. MOORE: Roberta.

14 THE COURT: You're Ms. Roberta.

15 MS. MOORE: Uh-huh.

16 THE COURT: Does that answer your question?

17 MS. MOORE: That answers my question on that.

18 But I did get some information that she had mailed to
19 me. She sent me certified, the notice to come here
20 today. That's why I'm here today.

21 There -- the summery that she sent me that
22 she, actually I didn't get it until Friday. The summery
23 of judgment that she says she served to me on the 1st, I
24 didn't get it until Friday, regular mail. I didn't even
25 have to sign for it, but any way.

1 With that, it says, I am the plaintiff. Then
2 down in the body of the document, it says: "Plaintiff
3 Alexis Moore." I need to get that thrown out, because
4 that's incorrect information.

5 THE COURT: I can't do anything involving this
6 case today, because it's not on the roster. I can't do
7 anything unless it's published to be on the roster. I
8 just wanted to make sure that both sides understand that
9 -- and I'll have my law clerk prepare a Form 4, just a
10 quick slip saying that -- which causes of action are not
11 dismissed?

12 MS. CLOUD: Breach of contract and breach of
13 contract accompanied by a fraudulent act.

14 THE COURT: Do a form 4 on this case. I can
15 have the case number. Just saying that the Form 4 that
16 the court signed back in July said that the case was
17 ended, that is incorrect, Scrivener's error. The causes
18 of action for breach of contract and breach of contract
19 accompanied by a fraudulent act continued. And that
20 resolves the matter and whatever other litigation y'all
21 have to do to be heard once you-all get on the published
22 roster. Okay.

23 MS. MOORE: Can I ask you a something?

24 THE COURT: Yes, ma'am.

25 MS. MOORE: Because I know before, because it

1 was marked that way, is that how I didn't get my court
2 date, because it was marked...

3 THE COURT: I don't know how that works. I
4 come to court and I hold court and issue a ruling.

5 MS. MOORE: I understand. Thank you.

6 THE COURT: Thank you. But both sides, those
7 issues are still preserved. This ends whenever I ruled
8 on. And you can do what you got to do with that, as
9 well as you. But those few things will be set forth in
10 a separate order.

11 MS. MOORE: And we'll just wait on another
12 court date?

13 THE COURT: Yes, ma'am. That will be signed
14 probably today. And you will get communication from the
15 from the clerks office. Have a great day.

16 (Whereupon, the above-captioned case was
17 concluded.)

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C E R T I F I C A T E

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I, the undersigned Maria DiScioscia, Official Court Reporter for the Sixth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of the record of all the proceedings in the captioned case, in the Circuit Court for Lancaster, South Carolina, on the 8th day of January, 2024.

I do further certify that I am not related, either by blood or marriage, to any of the parties in this action; and that I am in no way interested in the outcome of this matter.



Maria DiScioscia
Official Court Reporter