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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM ANDERSON COUNTY
Court of Common Pleas

R. Lawton McIntosh, Circuit Court Judge

Case No. 2024-001404

Poly-Med, Inc., Technology Drive 51, LLC,
Technology Drive 52, LLC, and PMI Properties LLC Respondents / Appellants,

v.

Research Park, LLC Appellant / Respondent.

**APPELLANT’S MOTION TO CONSIDER TRANSCRIPTS AS HAVING BEEN
TIMELY REQUESTED**

PLEASE TAKE NOTICE THAT, pursuant to Rule 240, SCACR, the undersigned counsel for Research Park, LLC, Appellant, is respectfully requesting an order deeming Appellant’s transcript requests to have been timely made. In furtherance of this Motion, Appellant would show as follows:

1. There are two transcripts pertinent to this appeal: (i) the trial transcript, arising from proceedings on October 10-11, 2023; and (ii) the hearing on the motions for reconsideration, held on July 24, 2024.
2. Appellant is in possession of both transcripts.
3. With respect to the trial transcript, Appellant placed the order for the transcript on October 13, 2023—immediately after trial. A copy of the correspondence requesting the transcript from the court reporter is provided as **Attachment A**.

4. The trial transcript was delivered to the undersigned via email on December 15, 2023, as evidenced by the correspondence at **Attachment B**.
5. Appellant filed the underlying notice of appeal on August 25, 2024. At that time, Appellant also filed a motion to hold appellate proceedings in abeyance to allow the trial court to issue a final, appealable decision on a few remaining matters.
6. On August 28, 2024, this Court entered a decision denying Appellant's request to hold deadlines in abeyance, and instructed counsel to proceed with ordering transcripts.
7. However, on September 5, 2024, this Court issued a supplemental decision stating that appellate deadlines would run from "the date of service of the last notice of appeal."
8. Candidly, when the undersigned reviewed the September 5 decision, I thought the Court was indicating that appellate deadlines would commence when a notice of appeal, or amended notice of appeal, would be filed as to the trial court's decision on the remaining issues to be decided.
9. However, in the days that followed, I began to consider that this Court meant appellate deadlines would commence as of the date of service of the latest notice of appeal, which was Respondents' notice of cross-appeal.
10. Out of an abundance of caution, Appellant contacted the court reporter for the July 24, 2024 hearing and requested a transcript. That correspondence is provided as **Attachment C**.
11. The transcript of the July 24 hearing was delivered to the undersigned on September 25, 2024.

12. On September 24, 2024, the Clerk's Office sent Appellant a deficiency letter regarding transcript requests.
13. However, by the time the deficiency letter was sent, Appellant was already in possession of the trial transcript, and had already requested the transcript of the motions hearing.
14. The undersigned counsel for Appellant truly regrets causing any additional complication to the administration of these proceedings, and would emphasize that the issues regarding the timeliness of transcript requests arose purely because of good-faith confusion as the meaning of the Court's correspondence, and not because of any inexcusable neglect.
15. Contemporaneously with the filing of this Motion, Appellant is also filing formal notice of receipt of the pertinent transcripts, and additionally, is providing the Office of Court Administration with both this Motion and the notice, so that its records may reflect the transcript requests and the timeliness of their delivery by the court reporter.
16. There would be no prejudice if the Court were to deem the transcripts as having been timely requested. Appellant's deadline for filing its initial opening brief and designation of matter has not yet occurred. And, importantly, at the same time this Motion is filed, the parties are jointly requesting an abeyance of appellate deadlines until such time as the trial court has issued a final decision on the few remaining matters arising out of the motions for reconsideration.

Separately and by U.S. Mail, Appellant has submitted the filing fee to the Clerk of Court.

Respectfully submitted,

s/ Steven Edward Buckingham

Steven Edward Buckingham (S.C. Bar No. 0075089)
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(o) 864.735.0832
(e) seb@buckingham.legal

Attorney for Appellant

Filed this 26th Day of September, 2024.
Greenville, South Carolina

Steven Edward Buckingham

From: Steven Edward Buckingham
Sent: Friday, October 13, 2023 1:38 PM
To: Scott, Lisa M.
Subject: RE: PolyMed v. Research Park // Transcript Request

Excellent. Putting the check in the mail to you now.

-----Original Message-----

From: Scott, Lisa M. <lscott@sccourts.org>
Sent: Friday, October 13, 2023 1:31 PM
To: Steven Edward Buckingham <seb@buckingham.legal>
Subject: Re: PolyMed v. Research Park // Transcript Request

Buck,

Thank you for the email inquiring about the transcript. I require payment upfront before placing it on my transcript report. I estimate this to be 400 pages and the cost to be \$1,740. Upon receipt of payment to me at PO Box 4356, Anderson, 29622. I will have 60 days to complete.

Thanks,

Lisa Scott
Circuit Court Reporter
Tenth Judicial Circuit

From: Steven Edward Buckingham <seb@buckingham.legal>
Sent: Friday, October 13, 2023 10:33:20 AM
To: Scott, Lisa M.
Subject: PolyMed v. Research Park // Transcript Request

*** EXTERNAL EMAIL: This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. *** Good morning, again: I am sending this email to confirm with you my request on behalf of Defendant for a copy of the transcript of the entirety of the trial proceedings in PolyMed v. Research Park, 2021-CP-04-01349. There is no rush on this. Please let me know if you need me to make a deposit, and I'll be glad to send you a check.

Thanks again for your work this week, and for the snacks.

Buck
~~~ CONFIDENTIALITY NOTICE ~~~ This message is intended only for the addressee and may contain information that is confidential. If you are not the intended recipient, do not read, copy, retain, or disseminate this message or any attachment. If you have received this message in error, please contact the sender immediately and delete all copies of the message and any attachments.

## Steven Edward Buckingham

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**From:** Scott, Lisa M. <lscott@sccourts.org>  
**Sent:** Friday, December 15, 2023 2:44 PM  
**To:** Steven Edward Buckingham  
**Subject:** Re: PolyMed v. Research Park // Transcript Request  
**Attachments:** 1010\_101123 Poly-Med v. Research Park 2021-CP-04-01349.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Buck,

Please see attached completed transcript. Also, I will be sending you a refund check for \$127.50 for overpayment.

I'm so glad to have this one done. I have a strong dislike for all things common pleas! Ha! I cut my teeth in criminal court, so CP has always been my nemesis. Thank you for helping me when I needed it! And I must say, professionally speaking of course, I was always happy to hear your voice come on the audio. You have a very clear, loud voice and you enunciate your words nicely! I can't say that for everyone. 😊 It was nice meeting you and I hope you have a very Merry Christmas!

Thanks,

*Lisa M. Scott  
Circuit Court Reporter  
Tenth Judicial Circuit*

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**From:** Steven Edward Buckingham <seb@buckingham.legal>  
**Sent:** Tuesday, November 28, 2023 5:27 PM  
**To:** Scott, Lisa M. <lscott@sccourts.org>  
**Subject:** Re: PolyMed v. Research Park // Transcript Request

**\*\*\* EXTERNAL EMAIL:** This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. \*\*\*

That's how this case has been.

Sent from my iPhone

On Nov 28, 2023, at 5:18 PM, Scott, Lisa M. <lscott@sccourts.org> wrote:

I swear I feel like this transcript is the "gift" that keeps giving -- in a bad way! Haha! It seems to never end.

## Steven Edward Buckingham

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**From:** Scott, Lisa M. <lscott@sccourts.org>  
**Sent:** Wednesday, September 25, 2024 5:04 PM  
**To:** Steven Edward Buckingham  
**Subject:** Re: Transcript Request // 2021-CP-04-01349  
**Attachments:** 072424 Poly-Med v. Research Park 2021-CP-04-01349.pdf

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Flagged

Buck,

Please see attached copy of transcript in the above-referenced matter.

Thanks,

Lisa M. Scott  
Circuit Court Reporter  
Tenth Judicial Circuit

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**From:** Steven Edward Buckingham <seb@buckingham.legal>  
**Sent:** Friday, September 20, 2024 1:19 PM  
**To:** Scott, Lisa M. <lscott@sccourts.org>  
**Subject:** RE: Transcript Request // 2021-CP-04-01349

**\*\*\* EXTERNAL EMAIL:** This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. \*\*\*

Great. I'll get it in the mail to you today.

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**From:** Scott, Lisa M. <lscott@sccourts.org>  
**Sent:** Friday, September 20, 2024 1:17 PM  
**To:** Steven Edward Buckingham <seb@buckingham.legal>  
**Subject:** Re: Transcript Request // 2021-CP-04-01349

Buck,

Your copy rate would be \$108. Upon receipt of payment to me at PO Box 4356, Anderson, 29622, I will get it to you.

Thanks,

Lisa M. Scott  
Circuit Court Reporter  
Tenth Judicial Circuit

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**From:** Steven Edward Buckingham <seb@buckingham.legal>  
**Sent:** Friday, September 20, 2024 1:00 PM

# ATTACHMENT C

To: Scott, Lisa M. <[lscott@sccourts.org](mailto:lscott@sccourts.org)>

Cc: Transcripts <[transcripts@sccourts.org](mailto:transcripts@sccourts.org)>

Subject: Transcript Request // 2021-CP-04-01349

**\*\*\* EXTERNAL EMAIL:** This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. \*\*\*

Good afternoon, Lisa: Hope you're doing well. I have attached a transcript request for a hearing before Judge McIntosh on July 24, 2024, in the Poly-Med v. Research Park case, 2021-CP-04-01349. As always, just let me know what payment you require and when, and I'll get that to you swiftly. Thanks, and have a great weekend.

Steve Buckingham

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South Carolina Judicial Branch

TRANSCRIPT REQUEST FORM

Pursuant to Rule 207 and 607 of the South Carolina Appellate Court Rules, the transcribed paper copy is the official record of court proceedings. You may request a transcript by completing this form and emailing it to the Court Reporter/Transcriptionist and to South Carolina Court Administration at transcripts@sccourts.org. If WebEx or DCRP were used to capture the record, please indicate below and send the form to transcripts@sccourts.org.

Requestor's Information: Full Name (Steven Edward Buckingham, Esq.), Law Firm/Agency (The Law Office of Steven Edward Buckingham), Phone Number (864.735.0832), Email Address (seb@buckingham.legal), Mailing Address (16 Wellington Avenue, Greenville, SC 29609). Transcript Information: Docket Number (2021-CP-04-01349), Full Case Caption (Poly-Med, Inc. et al. v. Research Park, LLC), Circuit (checked), Family (unchecked), Date(s) of Proceeding (July 24, 2024), County (Anderson County), Appeal pending (checked), Death Penalty (unchecked). Presiding Judge (Judge McIntosh), Special Circumstances (unchecked), Opposing Counsel(s) (Bill Coates, Marwan Zubi), Court Reporter(s) (Lisa Scott), Portion of proceeding to be transcribed (Entire hearing checked), Delivery Timeframe (Regular delivery checked), Delivery Method (PDF / Email checked), Responsible Payor (Private / Self checked). Next Hearing Date.

Requestor's Signature: [Handwritten Signature]

Date: SEPT. 20, 2024

NOTE: Requests will be processed pursuant to Rule 207 and 607 of the SCACR. Rule 607(h) governs the fees for transcripts, which are not provided for free or at reduced rates to any party, regardless of indigent status. Please promptly submit your payment in the method of payment requested, in order for the transcript to be produced. In some cases, a deposit may be required before the transcript can be placed in the production queue. You may also request a quote before deciding to order. If you need to cancel the transcript request for any reason, you are responsible for paying for the pages of the transcript that have already been completed at the time of the cancellation.

If you are ordering a transcript pursuant to Rule 207(a)(1), SCACR, you must 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 or transcriptionist.