

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

The Honorable Edward W. Miller

Appellate Case No. 2013-000416

69929

RECEIVED

SEP 30 2013

SC Court of Appeals

Patricia C. McLean, as Personal
Representative of the Estate of
William Eugene Connor,

Respondent,

v.

Branch Banking and Trust Company and
Aurelia Conner,

Defendants,

of whom Aurelia Connor is the Appellant,
and
Branch Banking and Trust Company is the Respondent.

**MOTION TO REINSTATE APPEAL AND
FOR A FINDING OF CONTEMPT PURSUANT TO RULE 207 (a)(6)**

The Appellant by and through her attorney, Robert L. Waldrep, Jr., moves for the Court to reinstate the Appellant's appeal pursuant to Rule 206 and for a finding of contempt pursuant to Rule 207(a)(6). An Order of Dismissal was filed in this matter on September 13, 2013.

While acknowledging the time schedule of the Court of Appeals to process the appeal of this case, the Appellant respectfully offers the following history of the appeals process:

- (1) On March 1, 2013, the Appellant timely requested from court reporter, Caroline Hiskell, a copy of the transcript of the case.
- (2) On March 13, 2013, the Appellant delivered payment to the court reporter, Caroline Hiskell, in the demanded sum of \$650.00 by check #20748, a copy of which is attached as Exhibit "A-1." This payment was cashed by Caroline Hiskell on March 18, 2013, verification of which is attached as Exhibit "A-2."

- (3) On May 1, 2013, a notice was received from the Deputy Clerk of Court stating that the transcript should have been delivered and that no request for extension had been received. A copy of this letter is attached hereto as Exhibit "B."
- (4) In accord with the Court's instructions, the Appellant's attorney spoke with Ms. Hiskell who advised that she would contact the Court for an extension of time for the delivery of said transcript. Said information was reported to the Office of Court Administration and on May 2, 2013, with courtesy copies to Caroline Hiskell and Respondents. A copy of this letter is attached as Exhibit "C."
- (5) On June 3, 2013, attorney for Appellant mailed yet another notice to Caroline Hiskell at her published address of 32 Duxbury Lane, Easley, South Carolina 29642, noting payment for the undelivered transcript, requesting her cooperation in notifying the Court, and delivery the paid for transcript with courtesy copies to the South Carolina Office of Court Administration and Respondents. A copy of this letter is attached as Exhibit "D."
- (6) On July 24, 2013, a third letter copied to all interested parties was mailed to the attention to Ms. Hiskell again making a plea for her cooperation in the extension request and transcript delivery. A copy of this letter is attached as Exhibit "E."

The Court and all interested parties have been notified of the Appellant's efforts to abide by Rule 207. The Appellant is invested with no authority to require the reporter to perform her transcription duties. It appears that this Court is vested with sole authority to require compliance.

For the reasons set forth above, the Appellant respectfully requests that this Motion be granted and the appeal reinstated pursuant to Rule 206.

The Court is further requested to find the court reporter in contempt for willful failure to comply with the provisions of Rule 207.

September 26, 2013.

Robert L. Waldrep, Jr.
116 West Whitner Street
Anderson, South Carolina 29624
(864) 224-6341 Telephone
(864) 226-1852 Facsimile
Attorney for Appellant

EXHIBIT A-1

20748
020748

First Citizens Bank
and Trust Company of South Carolina
07-148532
BRANCH 404

ROBERT L. WALDRUP, JR.
ATTORNEY AT LAW
P.O. BOX 2307, BOX 224-0241
ANDERSON, SC 29622

CHECK NO. 00/100

Six Hundred Fifty *****

Max/25/2013 \$650.00

Caroline Hiskell

PAY TO THE ORDER OF
McLean v Branch Banking and Trust

Caroline Hiskell

⑈020748⑈ ⑆053201487⑆34000 1215301⑈

Chk# 20748

\$650.00

Statement Period: March 1, 2013 Thru March 31, 2013

Account Number

5301

Checks Paid From Your Account

<u>Check No.</u>	<u>Date</u>	<u>Amount</u>	<u>Check No.</u>	<u>Date</u>	<u>Amount</u>	<u>Check No.</u>	<u>Date</u>	<u>Amount</u>
			20748*	03-18	650.00			

*Prior Check Number(s) Not Included or Out of Sequence.



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

May 01, 2013

Mr. Robert L. Waldrep, Jr.
116 West Whitner Street
Anderson SC 29624

Re: Patricia C. McLean v. Aurelia Connor
Appellate Case No. 2013-000416

Dear Counsel:

Our records indicate that the transcript in the above matter should have been delivered. As of today's date, we have not received any information indicating that the court reporter has been granted an extension. Further, you have not notified us that you have failed to receive the transcript, nor have we received your initial brief.

If you have not yet received the transcript, Rule 207 of the South Carolina Appellate Court Rules requires you to contact the Office of Court Administration. The address for Court Administration is as follows:

South Carolina Office of Court Administration
1015 Sumter Street, Suite 201
Columbia, SC 29201

Be sure to copy the Court and opposing counsel with all correspondence concerning the transcript.

Please advise the Court of the status of the transcript within ten (10) days of the date of this letter, or your appeal may be dismissed.

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: Clayton L. Jennings

Robert L. Waldrep, Jr., P.A.

EXHIBIT C

Attorneys-At-Law
116 West Whitner Street
Anderson, South Carolina 29624

Robert L. Waldrep, Jr.
C Elizabeth Waldrep

Telephone (864) 224-6341
Facsimile (864) 226-1852

May 2, 2013

South Carolina Office of Court Administration
1015 Sumter Street, Ste 201
Columbia, South Carolina 29201

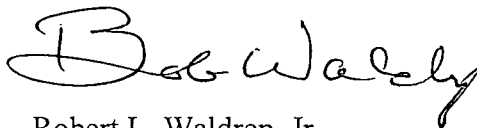
RE: Patricia C. McLean v. Aurelia Connor
Appellate Case No.: 2013-000416

Dear Sirs:

This letter is to notify your office that I have not received the transcript from court reporter, Caroline Hisekell. Ms. Hisekell advised my office today that she will be requesting an extension of time of time for delivery of said transcript.

Thank you for your attention to this matter.

Sincerely,



Robert L. Waldrep, Jr.
Attorney for Appellant

RLWjr.kbh
Enclosures

cc: Clayton L. Jennings, Esquire
Attorney for Respondent,
Patricia C. McLean

Caroline Hisekell
Thirteenth Circuit Court Reporter

Robert L. Waldrep, Jr., P.A.

EXHIBIT D

Attorneys-At-Law
116 West Whitner Street
Anderson, South Carolina 29624

Robert L. Waldrep, Jr.
C Elizabeth Waldrep

Telephone (864) 224-6341
Facsimile (864) 226-1852

June 3, 2013

Caroline Hiskell
32 Duxbury Lane
Easley, SC 29642

Re: Patricia C. McLean, et. al. vs. Branch Banking and Trust Company and
Aurelia Connor
Case No.: 2011-CP-23-1149
Trial Date(s): February 27 and 28, 2012

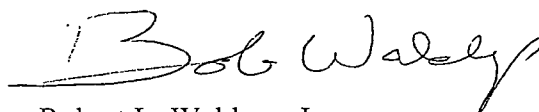
Dear Ms. Hiskell:

We issued a check to you on March 13, 2013, and as today we have not received a transcript in the above captioned matter. Additionally, we have received no correspondence from you notifying us that you have requested an extension or setting forth a reason for this inordinate delay.

I am by copy of this letter notifying the Court that I have once again asked for your cooperation in delivering me the transcript.

I look forward to hearing from you right away.

Yours truly,



Robert L. Waldrep, Jr.

RLWjr.kbh
Enclosure

cc: South Carolina Office of Court Administration

Clayton L. Jennings, Esquire
Attorney for Respondent,
Patricia C. McLean

Robert L. Waldrep, Jr., P.A.

EXHIBIT E

Attorneys-At-Law
116 West Whitner Street
Anderson, South Carolina 29624

Robert L. Waldrep, Jr.
C. Elizabeth Waldrep

Telephone (864) 224-6341
Facsimile (864) 226-1852

July 24, 2013

Caroline Hiskell
32 Duxbury Lane
Easley, SC 29642

Re: Patricia C. McLean, et. al. vs. Branch Banking and Trust Company and
Aurelia Connor
Case No.: 2011-CP-23-1149
Trial Date(s): February 27 and 28, 2012

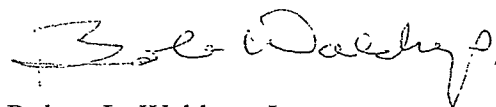
Dear Ms. Hiskell:

I have not received anything from you since my last letter of June 3, 2013, so I am renewing my request once again for the transcript in the above captioned matter. A check was issued to you on March 13, 2013, as prepayment for the transcript. Additionally, we have received no correspondence from you notifying us that you have requested an extension or setting forth a reason for this inordinate delay.

I am by copy of this letter notifying the Court that I have once again asked for your cooperation in delivering me the transcript.

I look forward to hearing from you right away.

Yours truly,



Robert L. Waldrep, Jr.

RLWjr.kbh
Enclosure

cc: South Carolina Office of Court Administration

Clayton L. Jennings, Esquire
Attorney for Respondent,
Patricia C. McLean

IN THE STATE OF SOUTH CAROLINA
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APPEAL FROM GREENVILLE COUNTY
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Representative of the Estate of
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Branch Banking and Trust Company and
Aurelia Conner,

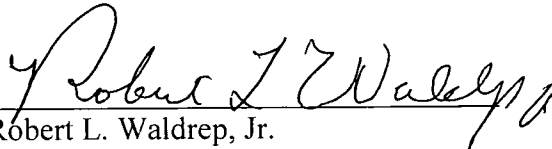
Defendants,

of whom Aurelia Connor is the Appellant,
and
Branch Banking and Trust Company is the Respondent.

PROOF OF SERVICE

I certify that I have served the Motion to Reinstate Appeal and For a Finding of Contempt Pursuant to Rule 207(a)(6) on Patricia C. McLean, as Personal Representative of the Estate of William Eugene Connor, Branch Banking and Trust Company, Caroline Hiskell, and S.C. Office of Court Administration by depositing a copy of it in the United States Mail, postage prepaid, on September 26, 2013, addressed to the appropriate party or attorney of record, Clayton L. Jennings, Esquire, 1151 East Washington Street, Greenville, South Carolina 29601 (Respondent/McLean); and Charles M. Groves, Esquire, Post Office Box 10224 F.S., Greenville, South Carolina 29603 (Defendant/BB&T); Caroline Hiskell, 32 Duxbury Lane, Easley, SC 29642; and South Carolina Office of Court Administration, 1015 Sumter Street, Ste 201, Columbia, South Carolina 29201.

September 26, 2013.


Robert L. Waldrep, Jr.
116 West Whitner Street
Anderson, South Carolina 29624
(864) 224-6341 Telephone
(864) 226-1852 Facsimile
Attorney for Appellant

RECEIVED

SEP 30 2013

SC Court of Appeals