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S.C. SUPREME COURT

Ex-A

FILE

The South Carolina Court of Appeals

James Kevin Holmes, Respondent,

v.

Cynthia Elaine Collie, Appellant.

Appellate Case No. 2022-001146

ORDER

This appeal arises out of a notice of entry of judgment entered July 14, 2022. A review of the public index reveals this case was referred to the master-in-equity on that date. Referral of a case to the master-in-equity is not immediately appealable unless the appellant is deprived of a mode of trial. See N. Carolina Fed. Sav. & Loan Ass'n v. Twin States Dev. Corp., 289 S.C. 480, 347 S.E.2d 97 (1986); Williford v. Downs, 265 S.C. 319, 218 S.E.2d 242 (1975); Collier v. Green, 244 S.C. 367, 137 S.E.2d 277 (1964). To the extent the appellant is appealing from the order of Judge R. Markley Dennis, Jr. dated June 9, 2022, the public index shows a pending Rule 59(e), SCRCP motion. See Hudson v. Hudson, 290 S.C. 215, 216, 349 S.E.2d 341, 341-42 (1986) (directing dismissal of an appeal in which a timely post-trial motion is pending and permitting a second appeal without an additional case initiation fee). Accordingly, this appeal is dismissed. The remittitur will be sent as provided by Rule 221(b), SCACR.

[Signature], C.J.

FOR THE COURT

Columbia, South Carolina

cc: Cynthia Holmes
Barry I. Baker, Esquire
Kyle T Varner, Esquire
The Honorable R. Marklev Dennis, Jr.

FILED
Dec 09 2022

Barry Baker

From: Transcripts <transcripts@sccourts.org>
Sent: Monday, October 24, 2022 12:02 PM
To: Barry Baker
Cc: Raines, Tiffany
Subject: James Kevin Holmes v. Cynthia Elaine Collie n/k/a Cynthia Elaine Holmes

Ex. 3

Mr. Baker:

It is with sincere regret that we must inform you that the hearing held on April 20, 2022 in Charleston County via WebEx cannot be transcribed as no audio recording can be located. Please let me know if you think this could have been heard on a different date.

Sincerely,

Court Reporter Section

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*EXC*

**From:** Barry Baker <bbaker@bakerlawsc.com>  
**Sent:** Friday, December 8, 2023 7:57 AM  
**To:** Joy Johnson <JJohnson@charlestoncounty.org>; Kyle T. Varner <kvarner@bakerlawsc.com>  
**Cc:** Young, Roger Law Clerk (Max Mazurek ) <ryounglc@sccourts.org>; Celeste McCollum <celeste@bakerlawsc.com>; Kevin Holmes <kholmes@steinberglawfirm.com>  
**Subject:** RE: 2021CP1005739 J Doe VS Lauren Thompson and 2021CP1005478 James Kevin Holmes VS Cynthia Elaine Collie , defendant, et al

Dear Ms. Johnson,

With all due respect to the defendant, the motion for a continuance is a continuation of efforts by Ms. Collie /Holmes to continue to delay this litigation.

Judge Dennis has previously issued an order of reference. On appeal filed by Ms. Collie/ Holmes, the Court of Appeals found that an Order of reference is unappealable unless it affects the mode of trial. In his Order Judge Dennis specifically vested in the Master the authority to consider the defendant's request for a jury trial.

The Supreme Court affirmed the decision of the Court of Appeals.

Unfortunately, Master had to recuse himself due to a conflict.

My motion to appoint a special referee can be resolved without a hearing. We are merely asking the Court to court a special referee the latter of whom can hear the defendant's motion for a jury trial.

In addition, the defendant has not provided any evidence of her scheduled surgery from her doctor,, and further did not advise the Court of the same when she received notice of the hearing.

When my paralegal comes into the office, we will provide Judge Young with a copy of the order of Judge Dennis as well as the opinions of the Court of Appeals and the Supreme Court.

barry

*Barry I. Baker, Attorney at Law*  
Baker & Varner, LLC  
One Carriage Lane, Bldg H (29407)  
P.O. Box 31265  
Charleston, SC 29417-1265  
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Ex-D

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JAN 30 2004

JULIE J. ARMSTRONG  
CLERK, FAMILY COURT

STATE OF SOUTH CAROLINA )  
COUNTY OF CHARLESTON )

IN THE FAMILY COURT OF THE  
NINTH JUDICIAL CIRCUIT  
CASE NO.: 03-DR-10-3935

CYNTHIA ELAINE HOLMES, )  
Plaintiff, )

-vs-

DECREE OF DIVORCE

JAMES KEVIN HOLMES, )  
Defendant. )

Trial Judge: F.P. Segars- Andrews  
Court Reporter: Sharon D. Jones  
Plaintiff Attorney: Cynthia Elaine Holmes, pro se  
Defendant's Attorney: J. Kevin Holmes, pro se  
Date of Hearing: January 30, 2004

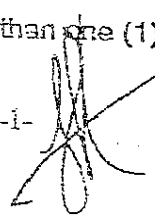
2/26/04 (e)  
1-30-04

This matter came to be heard before me at Charleston, South Carolina on January 30, 2004. Both parties were present at the hearing. Neither party was represented by legal counsel. The purpose of the hearing was to obtain divorce and preserve all other issues pending mediation or subsequent hearings on the merits.

The Court inquired of both parties whether there was any chance of a reconciliation of the marriage. Both parties responded that no reconciliation was possible.

Based upon the testimony of the Plaintiff and Cassandra Alberesius and the documentary evidence admitted into evidence without objection, the Court makes the following findings of fact:

FIRST: The Plaintiff and Defendant are residents of the County of Charleston, State of South Carolina and have been for more than one (1) year prior to the commencement

-i-  


of this action.

SECOND: The Plaintiff and Defendant last resided together as husband and wife in the County of Charleston, State of South Carolina.

THIRD: The Plaintiff and Defendant were lawfully married on September 4, 1978, in the State of Georgia and of this marriage three (3) children have been born:

FOURTH: The Defendant has committed adultery.

FIFTH: There is no fraud or collusion between the parties in the bringing of this action.

Based upon the foregoing findings of fact, the Court concludes:

FIRST: This Court has jurisdiction of the parties and subject matter of this action.

SECOND: More than 90 days have elapsed since the filing of the Complaint.

THIRD: The Plaintiff is entitled to a divorce on the statutory grounds of adultery.

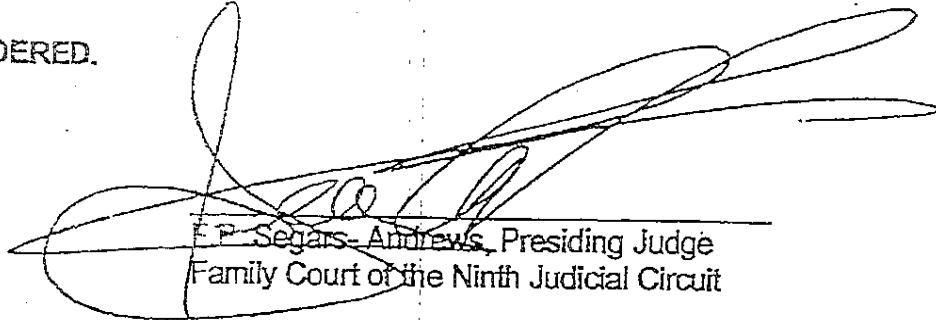
IT IS HEREBY ORDERED that the Plaintiff is hereby granted a divorce, a *vinculo matrimonii*, on the statutory grounds of adultery; and

IT IS HEREBY ORDERED that all other issues including, but not limited to, temporary and permanent custody, child support, alimony, and the equitable division of marital property and retirement accounts are reserved and preserved pending discovery, mediation, and further Court hearings, if necessary; and

IT IS HEREBY ORDERED that the parties may engage in discovery under the Rules of Civil Procedure including interrogatories, requests for production, requests for

admissions, depositions and subpoenas.

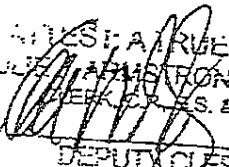
AND IT IS SO ORDERED.



E.P. Segars-Andrews, Presiding Judge  
Family Court of the Ninth Judicial Circuit

Charleston, South Carolina

30 day of January, 2004.

FILED FAIRIE COPY  
JULIE ARMSTRONG (SEAL)  
CLERK OF S.S. & EC  
BY   
DEPUTY CLERK

*E.S.*

# The Supreme Court of South Carolina

RE: Family Court Benchmark

## ADMINISTRATIVE ORDER

Pursuant to the provisions of S.C. Const. Art. V, § 4,

IT IS ORDERED that all domestic relations and juvenile cases in the State of South Carolina, with the exception of DSS Abuse and Neglect cases, shall be disposed of within 365 days of their filing.

IT IS FURTHER ORDERED THAT within each county, the Chief Administrative Judge for Family Court shall direct and oversee the monitoring of all cases which are older than 365 days, and for which no final hearing has been requested. The Clerk of Court for each county shall provide all necessary reports and information as requested by the Chief Administrative Judge to assist in the timely disposition of cases as set by this Order.

This Order is effective as of the date of its signing.

AND IT IS SO ORDERED.

s/Jean Hofer Toal

Jean Hofer Toal, Chief Justice

May 9, 2006  
Columbia, South Carolina

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF \_\_\_\_\_ )  
 )  
 \_\_\_\_\_ )  
 Plaintiff(s), )  
 vs. )  
 )  
 )  
 Defendant(s). ) Docket No. \_\_\_\_\_

IN THE FAMILY COURT  
 \_\_\_\_\_ JUDICIAL CIRCUIT

*Ex-F*

**365 DAY BENCHMARK NOTICE**

TO: \_\_\_\_\_

**NOTICE**

Whereas by order of the Chief Justice of South Carolina of May 9, 2006, it was ordered that all Domestic relations cases in the State of South Carolina with exception of DSS Abuse and Neglect, be Disposed of within 365 days of their filing. The above referenced case was filed on ( / / ) and has now been pending more than 365 days. Furthermore, no final hearing has been requested or scheduled by any attorney of record or party-litigant. If this is in error, please advise my office immediately in writing regarding the present status of this case.

If any party wishes to proceed with this case, then **within 30 days of this notice**, please forward a written request for a final hearing or pretrial/status conference to the \_\_\_\_\_ County office of the Clerk of Court to the attention of \_\_\_\_\_, located at \_\_\_\_\_, fax number \_\_\_\_\_. (If mediation is mandated for your case, you must complete and submit SCADR 107 - Mediation Report before a final hearing can be scheduled.)

If you fail to respond to this important notice as directed and within the time limitations, then this case will be dismissed without prejudice, and upon dismissal, all existing orders in this specific case (including, but not necessarily limited to, any temporary orders, child support and/or alimony orders, etc.) shall be considered null and void, no longer subject to enforcement and of no further effect. Any and all support arrearages will be stricken. Be further advised that such dismissal may affect and impact all other applicable marital issues, if any, involved with this specific case.

**YOUR IMMEDIATE ATTENTION TO THIS MATTER IS REQUIRED.**

Date: \_\_\_\_\_, 20\_\_\_\_  
 \_\_\_\_\_, S.C. Clerk of Court

STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON

) IN THE FAMILY COURT FOR  
) THE NINTH JUDICIAL CIRCUIT

) CASE NO.: 03-DR-10-3935

) Cynthia Holmes,

) Plaintiff,

) -vs-

) James Kevin Holmes,

) Defendant.)

CONSENT ORDER

*St. G*

This matter came to be heard before me on July 31, 2006, at Charleston, S.C. Present at the hearing were the Plaintiff and the Defendant.

AND IT IS SO ORDERED.

The Honorable Jerry D. Vinson, Jr.  
Presiding Judge  
Family Court, Ninth Judicial Circuit

Charleston, South Carolina  
August 17, 2006.

We consent:

*[Signature]*  
Cynthia Holmes

*[Signature]*  
James Kevin Holmes

COURT OF COMMON PLEAS  
AND GENERAL SESSIONS  
100 BROAD STREET, SUITE 106  
CHARLESTON, S.C. 29401-2258  
(843) 958-5000  
(843) 958-5020 FAX  
clerkofcourt.charlestoncounty.org



**JULIE J. ARMSTRONG**  
CLERK OF COURT  
CHARLESTON COUNTY

FAMILY COURT OF THE  
NINTH JUDICIAL CIRCUIT  
CHARLESTON COUNTY  
100 BROAD STREET, SUITE 143  
CHARLESTON, S.C. 29401-2265  
(843) 958-4400  
(843) 958-4434 FAX  
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*Ex. H*

September 1, 2022

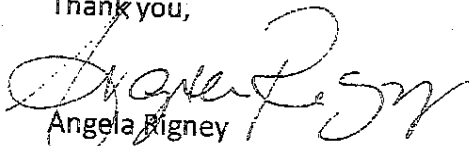
Cynthia Collie  
Post Office Box 187  
Sullivans Island, SC 29482

RE: 2021CP1005478  
James Kevin Holmes VS Cynthia Elaine Collie

Dear Ms. Collie:

On August 19, 2022, the Clerk of Court's office sent notices of motion scheduling on the above referenced case. In total, seven motions were scheduled to be heard by Judge Jennifer McCoy during the week of September 19, 2022. A notice of appeal to the Court of Appeals has been filed placing this case into an appeal status. Due to the change in status of this case Judge McCoy has continued all scheduled motion hearings. These motions will be rescheduled when this case is no longer in an appeal status.

Thank you,

  
Angela Rigney  
Common Pleas Docket Manager