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Susan Batten Lipscomb
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Kelsey Katrina Lipscomb
Kelsey@LLFSC.com

September 25, 2013

VIA HAND-DELIVERY

The Honorable Daniel E. Shearouse
Supreme Court of South Carolina
1231 Gervais Street
Columbia, SC 29201

RECEIVED

SEP 25 2013

S.C. Supreme Court

RE: Hammer v. Hammer, Case No. 2009-CP-40-05911
Appellate Tracking No. 2013-001635

1634 Main, L.P. v. Shirley Hammer a/k/a Shirley Grace Hightower v. Howard Hammer
Appellate Case No. 2013-001634

Dear Mr. Shearouse:

Enclosed and in connection with the above-referenced matter please find the original plus seven copies of 1634 Main, L.P.'s **SUPPLEMENT TO RETURN TO MOTION TO DISMISS OF RESPONDENT SHIRLEY HAMMER**, along with a Proof of Service. Please file the original plus six copies and clock-stamp the seventh copy to be returned to our office via our courier.

If you have any questions please let me know. Thank you in advance for your assistance in this matter.

Yours very truly,



Susan Batten Lipscomb

Enclosure

cc: Arthur K. Aiken, Esquire
Howard Hammer, Esquire
Desa Ballard, Esquire
Stephanie Weissenstein, Esquire

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

RECEIVED

SEP 25 2013

Judge George James, Jr., Circuit Court Judge
James F. Barber, Supervising Circuit Court Judge

S.C. Supreme Court

Formerly Pending before the South Carolina Court of Appeals
Howard Hammer Appellant

v.

Shirley Hammer.....Respondent

Case No. 2009-CP-40-05911
Appellate No. 2013-001652

1634 Main, L.P.Plaintiff/ Appellant

v.

Shirley Hammer a/k/a Shirley Grace HightowerDefendant and Third Party
Plaintiff/Respondent

v.

Howard Hammer.....Appellant/Additional
Defendant on Counterclaim/Appellant

Case No. 2010-CP-40-2889
Appellate No. 2013-001638

**SUPPLEMENT TO
RETURN OF 1634 MAIN L.P., PLAINTIFF/APPELLANT TO MOTION TO
DISMISS OF RESPONDENT SHIRLEY HAMMER**

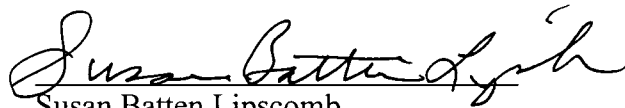
Plaintiff/Appellant 1634 Main, L.P. served and filed its Return to Motion to
Dismiss of Respondent, Defendant and Third Party Plaintiff/Respondent Shirley Hammer
(hereafter Ms. Hammer) purporting to be made pursuant to Rule 207(a)(1), SCACR
alleging that “neither appellant has made satisfactory financial arrangements for the order

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of the respective transcripts.” (Emphasis added). See letter attached as Exhibit A. In its Return Plaintiff/Appellant 1634 Main attached the correspondence to each of the respective court reporters, Ms. Karen Ambroziak, Ms. Crystal Holmes, and Ms. Hattie Gordon, timely ordering the transcripts and offering to prepay the estimated cost or to pay on receipt of an invoice. A copy of each letter was mailed to counsel for Ms. Hammer, Desa Ballard and Stephanie Weissenstein, to The South Carolina Court of Appeals, to South Carolina Court Administration, and Howard Hammer, who was appearing pro se. The undersigned verified with her administrative assistant that the letters were properly mailed; and, the postage ledger maintained by Lipscomb Law Firm, P.A. reflects that the proper amount of postage was recorded sufficient to mail the correspondence to the court reporters, as well as to the individuals and entities copied with the correspondence. Ms. Owens of South Carolina Court Administration confirmed to the undersigned this date that it received a copy of each of letters. Although Ms. Weissenstein’s September 18, 2013, letter/Motion to Dismiss states that Crystal Holmes, who transcribed the May 1, 2013, proceedings, reports that “neither appellant has made satisfactory financial arrangements,” Ms. Holmes confirmed to the undersigned this date that she informed someone at Ballard Watson Weissenstein, counsel for Ms. Hammer, that counsel for Plaintiff/Appellant 1634 Main, L.P. had made timely satisfactory financial arrangements for the payment of the transcript ordered. Ms. Holmes offered to write South Carolina Court Administration a letter confirming this. She also told the undersigned that she had mailed the transcript she was requested to prepare last week. After discussion with Ms. Ambroziak, who recorded for transcription the trial, she indicated that there was some confusion, because the two cases were tried separately, but

one right after the other and there were separate counsel in the Hammer v. Hammer case and the 1634 Main, L.P. case. There had also been requests for the transcripts from other counsel. In an attempt to resolve the confusion the undersigned sent the attached e-mail communication to Ms. Ambroziak today. In any event this confusion should not result in the dismissal of the appeals.

Respectfully submitted,



Susan Batten Lipscomb
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Counsel for Plaintiff/Appellant 1634 Main, L.P.

September 25, 2013

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Judge George James, Jr., Circuit Court Judge
James F. Barber, Supervising Circuit Court Judge

Howard Hammer, Appellant

v.

Shirley Hammer.....Respondent

Case No. 2009-CP-40-05911, Appellate No. 2013-001652

1634 Main, L.P.Plaintiff/ Appellant

v.

Shirley Hammer a/k/a Shirley Grace HightowerDefendant and Third Party
Plaintiff/Respondent

v.

Howard Hammer.....Appellant/Additional
Defendant on Counterclaim/Appellant

Case No. 2010-CP-40-2889, Appellate No. 2013-001638

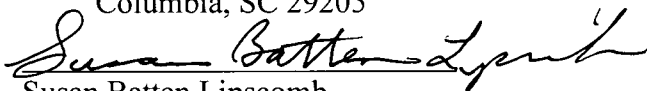
PROOF OF SERVICE

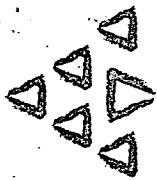
I, Susan Batten Lipscomb, attorney for Plaintiff/Appellant, 1634 Main, L.P., do hereby certify that on September 25, 2013, **SUPPLEMENT TO RETURN OF 1634 MAIN L.P., PLAINTIFF/ APPELLANT TO MOTION TO DISMISS OF RESPONDENT SHIRLEY HAMMER** was served on counsel of record by placing a copy thereof in the U.S. Mail to the addresses as set forth below:

Desa Ballard, Esquire
Stephanie Weissenstein, Esquire
Law Offices of Desa Ballard
226 State Street
West Columbia, SC 29169

Howard Hammer, *pro se*
1609 Catawba Street
Columbia, SC 29205

Arthur K. Aiken
Aiken & Hightower
2231 Devine St., Ste. 201
Columbia, SC 29205


Susan Batten Lipscomb



**Ballard
Watson Weissenstein**
PERSISTENT. UNWAVERING.

Desa Ballard
Harvey M. Watson III
Stephanie Weissenstein
Attorneys at Law

Post Office Box 6338 | West Columbia, SC 29171

226 State Street | West Columbia, SC 29169 | ph 803.796.9299 | fx 803.796.1066 | desaballard.com

September 18, 2013

Via Hand Delivery

Honorable Daniel Shearouse
Supreme Court of South Carolina
Post Office Box 11330
Columbia, South Carolina 29211

Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
1015 Sumter Street
Post Office Box 11629
Columbia, South Carolina 29211

Re: *Hammer v Hammer*, Case No. 2009-CP-40-05911, Appellate Tracking
No. 2013-001635
1634 Main LP v Shirley Hammer, Case No. 2010-CP-40-2889, Appellate
Tracking No. 2013-001634, 2013-001707

Dear Mr. Shearouse and Mrs. Kitchings:

We have been in contact with the three (3) court reporters whose transcripts have been requested by the appellants in these cases. Two of those reporters, Karen Ambroziak, who transcribed the proceedings before Judge James in October, 2012 and January, 2013, and Crystal Holmes, who transcribed the May 1, 2013 proceedings, report that neither appellant has made satisfactory financial arrangements for the order for the respective transcripts. The third court reporter, Hattie Gordon, who transcribed the May 17, 2013 proceedings, will not disclose whether she has been paid or whether financial arrangements have been made by appellants for the transcript order sent to her.

Pursuant to Rule 207(a)(1), SCACR, Appellants have a period of ten (10) days after filing a notice of appeal within which to order the transcript and to make satisfactory arrangements, including agreement regarding payment for the transcript, in writing with the court reporter for furnishing the transcript. For both the initial trial

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Honorable Clerks of Court
Re: 2013-001635 and 2013-001634 and 2013-001707
Motion to Dismiss Appeals

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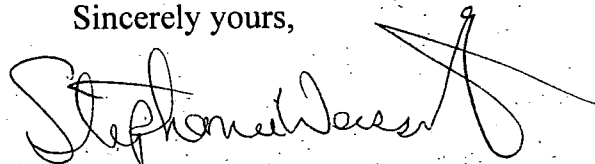
proceedings, and subsequent hearings, appellants have failed to comply with Rule 207(a)(1), SCACR.

We have communicated with Desiree Allen at Court Administration and she confirmed that neither Ms. Ambroziak nor Ms. Holmes have reported receiving a final order for transcripts in these appeals. Ms. Gordon has. By copy of this letter to Ms. Allen and the respective court reporters, we are advising them of our communication with this Court.

Please consider this letter as a motion to dismiss all appeals referenced above, for failure to comply with Rule 207(a)(1), SCACR. Even if the transcript from Ms. Gordon was properly ordered, the entire trial court proceedings have not been properly ordered, so no sufficient record will exist from which a record and appeal may be generated.

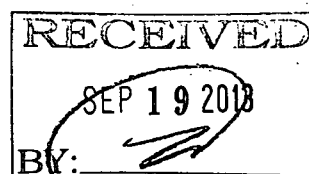
We are enclosing two (2) checks for \$25.00 with our letter to Ms. Kitchings to serve as the filing fee(s) for this motion. Thank you for your assistance. With warm personal regards, I am,

Sincerely yours,



Stephanie Weissenstein
Stephanie@desaballard.com

C: (via US Mail and email)
Arthur K. Aiken, Esquire
Howard Hammer, Esquire
Susan Lipscomb, Esquire
Desiree Allen
Karen Ambroziak
Crystal M. Holmes
Hattie O. Gordon
Shirley Hammer



SCANNED

Susan Lipscomb

From: Susan Lipscomb <lipscomblaw@gmail.com>
Sent: Wednesday, September 25, 2013 4:00 PM
To: Ambroziak, Karen
Cc: desab@desaballard.com; Stephanie Weissenstein; art@aikenandhightower.com; Howard Hammer
Subject: 1634 Main, L.P. v. Hammer

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

From: Susan Lipscomb [<mailto:lipscomblaw@gmail.com>]
Sent: Wednesday, September 25, 2013 3:35 PM
To: 'Ambroziak, Karen'
Subject: RE: transcript request letter - Hammer vs Hammer

I would need from the first word on the record until Art Aiken called his first witness.

I am pretty sure that the 1634 trial began on October 30, 2013, and I would need from there to the end.

Does that help?
Susan

Susan Batten Lipscomb
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