

# The South Carolina Court of Appeals

Charles Woods, Respondent,

v.

Valeria Woods Tuten, Kathy R. Thomas, Robert Thomas, Jr., Robert Thomas, III, Katelyn Thomas, Ellison Thomas, Bryant Thomas, Rebecca Babilon, Pam Woods, Wanda W. Smith, Wayne Smith, Kevin Smith, Trent Smith, Cynara Smith Love, Peggy Powers, Anna Cope, Adell Bishop Gray, Candelaria Rosalia Mayorga, William David Mixon, II, Charles Miller, Betty Miller Revocable Trust, Marion Ralph Smith, Betty Smith, Paulino Juarez Hernandez, Felipa Flores Crus, Alma Gomez, Dionicio Gomez Flores, Eduardo Valencia Benitez, Saul Benitez Castaeda, Ramon Benitez Castaneda, John Doe and Mary Roe, Defendants,

of whom Kevin Smith, Trent Smith, Cynara Smith Love, Wayne Smith, and Valeria Woods Tuten are the Appellants.

Appellate Case No. 2024-002209

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## ORDER

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On February 28, 2025, Appellants filed their initial brief and designation of matter. On March 26, 2025, Respondent filed a motion to strike Appellants' initial brief because Appellants failed to order a transcript of the November 8, 2024 trial before the special referee and Appellant's initial brief failed to contain references to the transcript, pleadings, orders, exhibits or other materials. Appellants filed a return, stating no transcript of the November 8 trial existed, and the brief could not contain references to something that did not exist. Respondent filed a reply, providing a copy of an invoice from a court reporting agency that charged Respondent a fee for appearing and taking down the trial. After careful consideration of the pleadings,

we hold this appeal in abeyance. Further, we grant Respondent's motion to strike Appellants' initial brief and designation of matter and require Appellants order the transcript of the November 8 trial. Within ten days of the date of this order, Appellants shall order the transcript of the November 8, 2024 trial; make satisfactory arrangements, including an agreement for payment, in writing with the court reporter for furnishing the transcript; and provide this court and Respondent with proof of doing so. *See* Rule 207(a)(1), SCACR. Thereafter, Appellants shall furnish this court and Respondent with copies of all correspondence with the court reporter. *See id.* Appellants shall notify this court and Respondent of receipt of the November 8 transcript within five days of receipt. Upon learning of Appellants' receipt of the November 8 transcript, this court will no longer hold this appeal in abeyance. Appellants shall serve and file their amended initial brief and designation of matter within thirty days of receiving the November 8 transcript. Appellants amended initial brief and designation of matter must comply with Rule 208 of the South Carolina Appellate Court Rules, including references to the transcript, pleadings, orders, exhibits or other materials properly included in the designation of matter to support the facts alleged. *See* Rule 208(b)(4), SCACR.



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FOR THE COURT

Columbia, South Carolina

cc:

Kevin Smith  
Trenton Smith  
Cynara Love  
Wayne Smith  
Valeria Tuten  
A. G. Solomons, Jr., Esquire  
Karl D. Twenge, Esquire  
Bess Jones DuRant, Esquire

**FILED**  
**Apr 21 2025**

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