

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

ORDER

On April 21, 2025, this court issued an order granting Respondent's motion to strike filed on March 26, 2025. Also, on April 21, 2025, Appellants filed a "motion to strike material cited within Respondent's reply to [Appellants]' return to Respondent's motion to strike." On May 1, 2025, Respondent filed a return, and on May 5, 2025, Appellants filed a reply. After careful consideration, we find Appellant's motion to strike is moot in light of this court's April 21, 2025 order.

We also deny Appellants' request that Respondent provide the name or contact information of the court reporter present for the November 8, 2024 hearing as the

name of the court reporting agency has been provided. **The name of the court reporting agency suffices for the purpose of ordering the transcript.**

Despite this, it appears that Appellants have failed to comply with this court's April 21, 2025 order directing them to:

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.*

Thus, 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 reporting agency 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 reporting agency. *See id.*

Absent extraordinary circumstances, failure to comply with this order will result in dismissal of this appeal.

Finally, we deny Appellants' motion for sanctions, and we direct Appellants' attention to South Carolina Appellate Court Rule 269, which addresses frivolous filings. *See* Rule 269, SCACR ("Where an appeal, petition, motion or return is frivolous or taken solely for the purposes of delay, or is not in compliance with these Rules, the appellate court may upon its own motion or that of a party, after ten (10) days notice, impose upon offending attorneys or parties such sanctions as the circumstances of the case and discouragement of like conduct in the future may

require.").¹


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
May 30 2025

¹ We also take this opportunity to remind Appellants that they must serve Respondent, through counsel, with complete copies of all documents filed with the court and that their proof of service must reflect the accurate date of service.