

May 30, 2025

Via Email Only

The Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201
ctappfilings@sccourts.org

RECEIVED
May 30 2025
SC Court of Appeals

RE: Comm'rs of Pub. Works of the City of Greenville v. US Pipe and Foundry Co.
Appellate Case No. 2025-000520
Our File No. 088126.01500

Ms. Kitchings:

On May 20, 2025, the Court asked Appellant United States Pipe and Foundry Company, LLC ("US Pipe") to update the Court today on the status of the transcript. Unfortunately, Court Administration has not yet provided the transcript of the February 10, 2025 WebEx hearing on US Pipe's Motion to Dismiss or Stay Pending Arbitration. This transcript has a direct bearing on the issues raised in this appeal.

On March 20, 2025, US Pipe's counsel emailed the enclosed SCCA 800 Transcript Request Form to transcripts@sccourts.org. US Pipe filed a proof of service confirming service of the Form. Based on the service date, the transcript would have been due on or before May 19, 2025.

After receiving the Court's letter on May 27, 2025, US Pipe's counsel emailed the same copy of the Transcript Request Form to transcripts@sccourts.org and asked for the status update. After receiving no response, US Pipe's counsel again wrote Court Administration on the morning of May 29, 2025, to request a copy of the transcript. Those emails and letter are enclosed for the Court's review. As of the filing of this letter, US Pipe has not received any response.

As a result, US Pipe has used all methods available to it to secure a copy of the transcript. US Pipe stands ready to proceed however the Court may direct in order to receive a copy of this transcript and proceed to briefing in this case.

Respectfully,

/s/ C. Mitchell Brown

C. Mitchell Brown

The Honorable Jenny Abbott Kitchings

May 30, 2025

Page 2

CMB:maa

Enclosure

cc: Via email:

John Hampton Scully, Esq.

Daniel Rock Flynn, Esq.

Justin J. Hawal, Esq.

Jessica Holmes, Esq.

Adam J. Levitt, Esq.

Adam Crittenden Bach, Esq.

Rivers S. Stillwell, Esq.

David C. Dill, Esq.

Claire K. Atwood, Esq.

Gregory L. Shelton, Esq.

Beattie B. Ashmore, Esq.

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May 29, 2025

Via USPS and Email

South Carolina Court Administration
Attn: Transcripts
1220 Senate Street
Columbia, SC 29201
transcripts@sccourts.org

RE: Comm'rs of Pub. Works of the City of Greenville v. US Pipe and Foundry Co.
Appellate Case No. 2025-000520
Our File No. 088126.01500

To whom it may concern:

On March 20, 2025, counsel for Appellant United States Pipe and Foundry Company, LLC ("US Pipe") requested transcript of the February 10, 2025 WebEx hearing on US Pipe's Motion to Dismiss or Stay Pending Arbitration in Case No. 2024-CP-23-05956. A copy of the submitted SCCA 800 Transcript Request Form sent to transcripts@sccourts.org is enclosed. Based on the service date, the transcript would have been due on or before May 19, 2025.

To date, US Pipe has not received the transcript or a request for an extension.

On May 20, 2025, the Court of Appeals asked US Pipe for an update about the status of the transcript. A week later, I emailed the same copy of the Transcript Request Form to transcripts@sccourts.org and asked for the status update. I have not yet received a response.

At your earliest convenience, can you please contact me to confirm receipt of the transcript request and to provide a status of the transcript so I may update the Court of Appeals?

Respectfully,

/s/ Matthew A. Abee

Matthew A. Abee

Enclosure

cc: Via email only:
John Hampton Scully, Esq.
Daniel Rock Flynn, Esq.
Justin J. Hawal, Esq.

Court Administration

May 29, 2025

Page 2

Jessica Holmes, Esq.
Adam J. Levitt, Esq.
Adam Crittenden Bach, Esq.
Rivers S. Stillwell, Esq.
David C. Dill, Esq.
Claire K. Atwood, Esq.
Gregory L. Shelton, Esq.
Beattie B. Ashmore, Esq.
Paul G. Joyce, Esq.
C. Mitchell Brown, Esq.

TRANSCRIPT REQUEST FORM

Pursuant to Rule 207 and 607 of the South Carolina Appellate Court Rules, the transcribed paper copy is the official record of court proceedings. You may request a transcript by completing this form and emailing it to the Court Reporter/Transcriptionist and to South Carolina Court Administration at transcripts@sccourts.org. If WebEx or DCRP were used to capture the record, please indicate below and send the form to transcripts@sccourts.org.

Requestor's Information			
Full Name Beattie B. Ashmore	Law Firm/Agency Beattie B. Ashmore, P.A.	Phone Number 864-467-1001	
Email Address beattie@beattieashmore.com		Mailing Address 650 E. Washington St., Greenville, SC 29601	
Is the requestor a party in the case? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If no, does the requestor represent a party? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, name of party United States Pipe and Foundry Company LLC			
Transcript Information			
Docket Number 2024-CP-23-05956	Full Case Caption (i.e. State v. John Doe or John Smith v. Jane Smith) Commissioners of Public Works of the City of Greenville, South Carolina v. United States Pipe and Foundry Company LLC, TEC Utilities Supply Inc., and Hayes Pipe Supply Inc.		Circuit <input checked="" type="checkbox"/> Family <input type="checkbox"/>
Date(s) of Proceeding February 10, 2025	County Greenville	Appeal pending <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Death Penalty <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Presiding Judge Honorable Perry H. Gravely		Special Circumstances Is the hearing to be transcribed one of the following: <input type="checkbox"/> Termination of parental rights <input type="checkbox"/> Adoption <input type="checkbox"/> Any actions involving child custody/visitation.	
Opposing Counsel(s) (name and email address) John Hampton Scully, jscully@tonnsenbach.com Adam Crittenden Bach, abach@tonnsenbach.com Daniel Rock Flynn, dflynn@dicellolevitt.com Justin J. Hawal, jhawal@dicellolevitt.com Jessica Holmes, jholmes@dicellolevitt.com Adam J. Levitt, alevitt@dicellolevitt.com David Curry Dill, ddill@maynardnexsen.com Rivers Samuel Stilwell, rstilwell@maynardnexsen.com Gregory L. Shelton, greg@sheltonlawcarolinas.com			
Court Reporter(s) [Redacted]	<input checked="" type="checkbox"/> WebEx <input type="checkbox"/> DCRP		Delivery Timeframe (check Rule 607 for current page rates) <input type="checkbox"/> Quote <input type="checkbox"/> Rough Draft <input type="checkbox"/> Overnight delivery <input type="checkbox"/> Daily delivery <input type="checkbox"/> Expedited delivery (7 days) Due on/before: [Redacted] <input type="checkbox"/> Regular delivery (60 days) Regular delivery
Portion of proceeding to be transcribed <input checked="" type="checkbox"/> Entire hearing <input type="checkbox"/> Voir dire by juror <input type="checkbox"/> Jury selection <input type="checkbox"/> Plaintiff's opening statement <input type="checkbox"/> Defendant's opening statement <input type="checkbox"/> Plaintiff's closing arguments <input type="checkbox"/> Defendant's closing arguments <input type="checkbox"/> Entire direct examination <input type="checkbox"/> Entire cross examination <input type="checkbox"/> Entire redirect <input type="checkbox"/> Examination of witness (W) by attorney (A) W: [Redacted] A: [Redacted] <input type="checkbox"/> Ruling of the court		Delivery Method (additional fees may apply) <input checked="" type="checkbox"/> PDF / Email <input type="checkbox"/> Hard Copy/Priority Mail (\$50 + shipping) <input type="checkbox"/> PDF & Hard Copy/Priority Mail (\$50 + shipping)	
		Responsible Payor <input checked="" type="checkbox"/> Private / Self <input type="checkbox"/> Court Appointed Counsel Appeals Attorney [Redacted] Email [Redacted] <input type="checkbox"/> Other [Redacted]	



SOUTH CAROLINA
JUDICIAL BRANCH

Next Hearing Date N/A

Requestor's Signature: /s/ Beattie B. Ashmore

Date: March 19, 2025

(Typed name will serve as signature)

NOTE: Requests will be processed pursuant to Rule 207 and 607 of the SCACR. Rule 607(h) governs the fees for transcripts, which are not provided for free or at reduced rates to **any** party, regardless of indigent status. Please promptly submit your payment in the method of payment requested, in order for the transcript to be produced. In some cases, a deposit may be required before the transcript can be placed in the production queue. You may also request a quote before deciding to order. ***If you need to cancel the transcript request for any reason, you are responsible for paying for the pages of the transcript that have already been completed at the time of the cancellation.***

If you are ordering a transcript pursuant to Rule 207(a)(1), SCACR, you must contemporaneously furnish all parties, the Office of Court Administration, and the clerk of the appellate court with copies of all correspondence with the court reporter or transcriptionist.

RECEIVED

May 30 2025

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas
Perry H. Gravely, Circuit Court Judge

2024-CP-23-05956

Commissioners of Public Works of the City of Greenville, South Carolina,Respondent,

v.

United States Pipe and Foundry Company LLC, TEC Utilities Supply Inc.,
and Hayes Pipe Supply Inc., Defendants,

of which

United States Pipe and Foundry Company LLC, is the Appellant.

PROOF OF SERVICE

I hereby certify that on the date indicated below, I have caused a copy of United States Pipe and Foundry Company LLC’s Transcript Request Form to be served on the below persons, via email.

The Honorable Jenny Abbott Kitchings
Clerk of Court
SC Court of Appeals
1220 Senate Street
Columbia, SC 29201
ctappfilings@sccourts.org

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*Attorney for United States Pipe and Foundry
Company LLC*

Dated this 19th day of March 2025

/s/ Beattie B. Ashmore
Beattie B. Ashmore

Matt Abee

From: Matt Abee
Sent: Thursday, May 29, 2025 4:02 PM
To: transcripts@sccourts.org
Cc: Beattie B. Ashmore, P.A.; Paul G. Joyce; Stephanie Gray; abach@tonnsenbach.com; jscully@tonnsenbach.com; Dan Flynn; Anna Claire Skinner; Jessica Holmes; Justin Hawal; rstilwell@maynardnexsen.com; ddill@maynardnexsen.com; catwood@maynardnexsen.com; greg@sheltonlawcarolinas.com; Yasmeen Ebbini; Meredith Keane; Eileen Hindman; Mitch Brown; Adam J. Levitt; emiller@tonnsenbach.com
Subject: RE: Status of Transcript: Commissioners of Public Works v. United States Pipe and Foundry Company - No. 2024-CP-23-05956; Appellate Case No. 2025-000520 (088126.01500)
Attachments: 2025.05.29 MAA ltr to SC Court Administration re Transcript 4906-3494-4328 v.1.pdf

Transcripts:

I'm just following-up on the request below. Please see attached that was also mailed earlier today.

Thanks.

-Matt

Matthew A. Abee | Partner | Nelson Mullins Riley & Scarborough LLP
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* Licensed in South and North Carolina

From: Matt Abee <matt.abee@nelsonmullins.com>
Sent: Tuesday, May 27, 2025 8:23 AM
To: transcripts@sccourts.org
Cc: Beattie B. Ashmore, P.A. <beattie@beattieashmore.com>; Paul G. Joyce <PJoyce@cgbuffalo.com>; Stephanie Gray <stephanie@beattieashmore.com>; abach@tonnsenbach.com; jscully@tonnsenbach.com; Dan Flynn <dflynn@dicellolevitt.com>; Anna Claire Skinner <askinner@dicellolevitt.com>; Jessica Holmes <jholmes@dicellolevitt.com>; Justin Hawal <jhawal@dicellolevitt.com>; rstilwell@maynardnexsen.com; ddill@maynardnexsen.com; catwood@maynardnexsen.com; greg@sheltonlawcarolinas.com; Yasmeen Ebbini <Yasmeen.Ebbini@nelsonmullins.com>; Meredith Keane <meredith.keane@nelsonmullins.com>; Eileen Hindman <eileen.hindman@nelsonmullins.com>; Mitch Brown <mitch.brown@nelsonmullins.com>; Adam J. Levitt <alevitt@dicellolevitt.com>; emiller@tonnsenbach.com
Subject: Status of Transcript: Commissioners of Public Works v. United States Pipe and Foundry Company - No. 2024-CP-23-05956; Appellate Case No. 2025-000520 (088126.01500)

Court Administration:

I wanted to follow-up on the status of the transcript for this matter. Rhonda M. Bell, Legal Assistant to Beattie B. Ashmore emailed the attached transcript request form on Wednesday, March 19, 2025. By our calculations, the transcript was due on or before Monday, May 19, 2025. To date, however, we have not received the transcript. Please advise.

Please note that consistent with Rule 207, SCACR, I am copying all counsel of record on this email regarding the transcript.

Thanks,
Matt



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NELSONMULLINS.COM [VCARD](#) [VIEW BIO](#)

RECEIVED

May 30 2025

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas
The Honorable Perry H. Gravely, Circuit Court Judge

Appellate Case No. 2025-000520
Case No. 2024-CP-23-05956

Commissioners of Public Works of the City of Greenville,
South CarolinaRespondent,

v.

United States Pipe and Foundry Company, LLC, TEC Utilities
Supply Inc., and Hayes Pipe Supply Inc.,..... Defendants,

of which

United States Pipe and Foundry Company, LLC, is the.....Appellant.

Proof of Service

I, the undersigned of the law offices of Nelson Mullins Riley & Scarborough LLP, attorneys for Appellant United States Pipe and Foundry Company, LLC, do certify that I have served all counsel of record in this action with a copy of the document(s) set forth below under Supreme Court Order dated April 24, 2024:

Document(s): **Appellant’s Letter re Transcript Status**

Served:

Via Email:

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Attorney for Defendant Hayes Pipe Supply, Inc.

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: /s/ Matthew A. Abee

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COLUCCI & GALLAHER P.C.

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Attorneys for United States Pipe and Foundry Company LLC

Columbia, South Carolina
May 30, 2025