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Jul 18 2025

SC Court of Appeals

BYBEE & TIBBALS

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Jeffrey S. Tibbals  
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July 18, 2025

**VIA EMAIL ONLY**

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

**Re: *Broad Creek Development, LLC v. Beaufort County***  
**Appellate Case No. 2025-000615**  
**Appeal from Court of Common Pleas Case No. 2022-CP-07-01978**

Dear Ms. Kitchings:

On behalf of Appellant Broad Creek, LLC (“Appellant”), I am writing to provide an update as to the status of the transcripts of the lower court proceedings in the above-captioned matter. In short, five transcripts in total were requested on April 14, 2025. Appellant has received three, has not received one, and has been advised that the fifth request cannot be satisfied.

Appellant has received transcripts of the following proceedings conducted in the lower court:

1. February 24, 2023 Motion Hearing;
2. May 20, 2023 Motion Hearing; and
3. October 14, 2024 Bench Trial (Amended Transcript).

The remaining two transcripts which Appellant requested, but has failed to receive, concern the following lower court proceedings:

4. October 20, 2023 Motion Hearing; and
5. September 17, 2024 Pre-Trial Status Conference.

As set forth in this Court’s Order entered April 21, 2025, Appellant requested the transcripts numbered 4 and 5 above on April 14, 2025. As further evidence, enclosed herewith are communications from the Office of Court Administration confirming receipt of Appellant’s requests for those transcripts (*see* Attachments #1 and #2). Additionally, on June 11, 2025, a

letter from Appellant was submitted to and filed with the Court which provided an update on the same, stating that Appellant had yet to receive those transcripts (*see* Attachment #3).

As a further update in response to the Court's July 15, 2025 correspondence, I respectfully submit the following:

- Transcript of September 17, 2024 Pre-Trial Status Conference: The Court Reporter has informed us that no court reporter was present during this conference, and therefore, a transcript cannot be created (*see* Attachment #4).
- Transcript of October 20, 2023 Motion Hearing: Appellant has still yet to receive this transcript. However, the Court Reporter advised our office that she filed a request for an extension of time to prepare this transcript with the Office of Court Administration on July 17, 2025. *See* Attachment #4 (email from Court Reporter); Attachment #5.
  - Attachment #5 hereto is the copy of the extension request which the Court Reporter provided. In the event this request has not been identified as pertaining to this case, we note that the request only identifies the case number for the underlying Court of Common Pleas case and lists the relevant court as "Common Pleas."

In closing, at this time, the only outstanding transcript which Appellant has not received is for the October 20, 2023 motion hearing in the lower court. Based upon communications with the Court Reporter, Appellant is informed that she has requested an extension of time within which to prepare this transcript.

Please do not hesitate to contact me should the Court require any additional information or documentation at this time.

Yours Sincerely,



Jeffrey S. Tibbals

cc (via email): Counsel of Record for Respondent

cc (via mail and email): South Carolina Office of Court Administration  
1220 Senate Street, Suite 200  
Columbia, SC 29201  
transcripts@sccourts.org

## Whitney Moore

---

**From:** Transcripts@sccourts.org  
**Sent:** Monday, April 14, 2025 2:48 PM  
**To:** Richard Bybee  
**Subject:** Transcript Request for Docket Number 2022CP0701978

Greetings,

Please accept this email and the **summarized Transcript Request shown below** as confirmation that the online transcript request that you submitted has been received by our office. You should receive communication from a transcriptionist within five (5) business days with an estimated cost for production.

If you need further assistance, please contact us at [transcripts@sccourts.org](mailto:transcripts@sccourts.org).

Regards,

Court Administration

Summarized Transcript Request ID(s): **614415138**

## Requester Information:

**Name:** Richard Bybee

**Entity:** Law Firm Bybee & Tibbals

**Phone Number:** (843) 881-1623

**Email:** [rdb@bybeetibbals.com](mailto:rdb@bybeetibbals.com)

**Address:** 880 Johnnie Dodds Blvd., Ste. 2 Mount Pleasant, SC 29464

**Is the requester a party on the case?** No

**Does the requester represent a party?** Yes Broad Creek Development, LLC

## Transcript Information:

**Docket Number:** 2022CP0701978

**Court Type:** Circuit

**County:** Beaufort

**Case Caption:** Broad Creek Development, vs Beaufort County

**Appeal Pending?** Court of Appeals

**Death Penalty?** No

**Start Date of Proceeding:** 10/20/2023

**End Date of Proceeding:** 10/20/2023

**Presiding Judge:** Mullen, Carmen Tevis

**Court reporter daily assignments:**

**10/20/2023 (Friday):** Williams, Kymberlee Mignanelli

**Opposing Counsel and/or other parties information:**

(Attorney) Jessica Wilds Stratta

(Defendant) Beaufort County

**(email):** cmurphy@rlattorneys.com

(Plaintiff) Broad Creek Development

**(email):** rdb@bybeetibbals.com

(Plaintiff Attorney) Richard D. Bybee

**(email):** rdb@bybeetibbals.com

**Next hearing date:** *Date not entered*

**Portion of proceeding to be transcribed:** Entire Hearing

## **Delivery Information:**

**Delivery Timeframe:** Regular Delivery (60 days)

**Delivery Method:** PDF/Email

**Delivery Timeframe:** Private/Self

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## Whitney Moore

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**From:** Transcripts@sccourts.org  
**Sent:** Monday, April 14, 2025 2:50 PM  
**To:** Richard Bybee  
**Subject:** Transcript Request for Docket Number 2022CP0701978

Greetings,

Please accept this email and the **summarized Transcript Request shown below** as confirmation that the online transcript request that you submitted has been received by our office. You should receive communication from a transcriptionist within five (5) business days with an estimated cost for production.

If you need further assistance, please contact us at [transcripts@sccourts.org](mailto:transcripts@sccourts.org).

Regards,

Court Administration

Summarized Transcript Request ID(s): **1736314957**

## Requester Information:

**Name:** Richard Bybee

**Entity:** Law Firm Bybee & Tibbals

**Phone Number:** (843) 881-1623

**Email:** [rdb@bybeetibbals.com](mailto:rdb@bybeetibbals.com)

**Address:** 880 Johnnie Dodds Blvd., Ste. 2 Mount Pleasant, SC 29464

**Is the requester a party on the case?** No

**Does the requester represent a party?** Yes Broad Creek Development, LLC

## Transcript Information:

**Docket Number:** 2022CP0701978

**Court Type:** Circuit

**County:** Beaufort

**Case Caption:** Broad Creek Development, vs Beaufort County

**Appeal Pending?** Court of Appeals

**Death Penalty?** No

**Start Date of Proceeding:** 9/17/2024

**End Date of Proceeding:** 9/17/2024

**Presiding Judge:** Mullen, Carmen Tevis

**Court reporter daily assignments:**

**9/17/2024 (Tuesday):** Williams, Kymberlee Mignanelli

**Opposing Counsel and/or other parties information:**

(Attorney) Jessica Wilds Stratta

(Defendant) Beaufort County

**(email):** cmurphy@rlattorneys.com

(Plaintiff) Broad Creek Development

**(email):** rdb@bybeetibbals.com

(Plaintiff Attorney) Richard D. Bybee

**(email):** rdb@bybeetibbals.com

**Next hearing date:** *Date not entered*

**Portion of proceeding to be transcribed:** Entire Hearing

## **Delivery Information:**

**Delivery Timeframe:** Regular Delivery (60 days)

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Jun 11 2025

SC Court of Appeals

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Jeffrey S. Tibbals  
jst@bybeetibbals.com  
843.513.1032

June 11, 2025

**VIA EMAIL ONLY**

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

**Re: *Broad Creek Development, LLC v. Beaufort County*  
Case No. 2025-000615**

Dear Ms. Kitchings:

I am writing to provide an update regarding the status of the transcripts in the above-referenced matter.

As of today, we have received the following transcripts:

- Motion Hearing – May 20, 2023
- Motion Hearing – February 24, 2023
- Amended Bench Trial – October 14, 2024

We are still awaiting the following transcripts:

- Motion Hearing – October 20, 2023
- Pre-Trial Status Conference – September 17, 2024

Please do not hesitate to contact me should the Court require any additional information or documentation at this time.

Yours Sincerely,



Jeffrey S. Tibbals. Esq.

## Whitney Moore

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**From:** Williams, Kymberlee <kwilliams@sccourts.org>  
**Sent:** Thursday, July 17, 2025 3:12 PM  
**To:** Transcripts  
**Cc:** Whitney Moore; Court Of Appeals Filings  
**Subject:** broad creek v beaufort county - 2022CP0701978

Request for extensions have been submitted for the hearing held on 10-20-23 in this matter.

There is a request for 9-17-24 as well, but there was no hearing held on this case on this date where a court reporter was present.

There was a status conference held on 9-18-24, and that has been confirmed by Judge Mullen's staff. The status conference was held over the phone and there was no court reporter present for that date, so no transcript is available for the 9-17-24 request.

Thanks so much.

Kymberlee Mignanelli Williams, CSR/RPR  
State of South Carolina  
Official Circuit Court Reporter III  
Fourteenth Judicial Circuit  
(843) 575-4428

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NOTICE OF REQUEST FOR EXTENSION

Title of Case:

Case No.: 2022CP0701978

( BROAD CREEK DEVELOPMENT  
(  
(  
( -VS-  
(  
( BEAUFORT COUNTY  
(

Pursuant to Rules 207(a)(3), (a)(7) and/or 607(e), SCACR, I request an extension to complete the transcript of proceedings in the above entitled action.

CASE ON APPEAL? Yes

If Yes, which court? COMMON PLEAS

Transcript request date: 04-16-2025

Transcript Requester: RICHARD BYBEE

Email: RD@BYBEETIBBASLS.COM

Other: WHITNEY MOORE

Email: WMOORE@BYBEETIBBALS.COM

Other: CHRIS MURPHY

Email: CMURPHY@RLATTORNEYS.COM

Approximate Number of Pages: 125

Pages completed to date: 0

Est. completion date (30 days): 08-16-25

Reason for Extension: transcript volume

Date Submitted: 07/17/25

By: Kymerlee Williams  
Court Reporter