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**Nov 03 2025**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM RICHLAND COUNTY

Court of Common Pleas

Charles B. Simmons, Master in Equity

Appellate Case No. 2025-001522

Jeffrey L. Clemens, ..... Appellant,

v.

Synovus Bank,..... Respondent,

**MOTION TO REINSTATE APPEAL**

Now comes the Appellant, by his undersigned attorney, and moves the Court to reinstate this appeal. In support of this Motion, the Appellant would show the Court the following:

Appellant filed a Notice of Appeal July 30, 2025. Synovus Bank’s primary attorney is Mary Caskey of Haynsworth Sinkler Boyd, PA.

After filing the Notice of Appeal, lead counsel for Jeffrey L. Clemens, James G. Carpenter of the Carpenter Law Firm, emailed co-counsel Jennifer J. Miller on August 1, 2025, asking her to order the transcript of the second hearing in this matter from March 4, 2025. Co-counsel was out of state at that time but returned and on August 6, 2025, or August 7, 2025, she accessed the Transcript Request Portal to request the second transcript in the above matter. Since returning to

appellate practice last year after some years away, co-counsel was still unfamiliar with some aspects of the Transcript Request Portal.

When she accessed the Transcript Request form online, co-counsel attempted to locate the Honorable Charles Simmons' name in the drop-down menu. However, because Judge Simmons' name was omitted, co-counsel submitted the Transcript Request Form by email to Ms. Karama B. Herrington with Court Administration on August 8, 2025. Co-counsel notified Court Administration that she could not find Judge Simmons' name in the portal and asked for a reply if she anything further to file the request was needed.

In addition to filing the transcript request by email with Court Administration, the same afternoon of August 8, 2025, co-counsel called the chambers of the Honorable Charles B. Simmons and spoke with the assistant who answered the phone. Co-counsel Jennifer J. Miller identified herself and the law firm and requested the contact information to email a Transcript Request Form directly to the court reporter. However, the assistant kindly explained that she was new and was not sure where co-counsel should send it and that there was no one in the office to ask at that time. As well as co-counsel recalls, after about 10 minutes of conversation and hold time (according to phone records), the assistant said she did not know but would inquire into the appropriate address for co-counsel to email the request form.

Several weeks later, on September 5, 2025, [Transcripts@sccourts.org](mailto:Transcripts@sccourts.org) replied by email to co-counsel's Transcript Request Form filing of August 8, 2025, and informed her that she would "need to contact master in equity to receive this transcript." Regrettably, co-counsel Jennifer J. Miller inadvertently missed this email from the Transcripts portal email address.

Co-counsel apologizes deeply to the Court for missing this email from [Transcripts@sccourts.org](mailto:Transcripts@sccourts.org) and for failing to follow up again with the Master in Equity. Co-counsel

commits to both learn the Transcript Request Portal System thoroughly and to follow communications from this system immediately as they are received. She sincerely regrets and understands the delay and inconvenience she has caused, not only for the Court, but also for Court Administration and for counsel and parties in this matter.

Finally, the Court sent an emailed letter October 9, 2025, to lead counsel James G. Carpenter, to inquire concerning the status of the transcript. Unfortunately, lead counsel also inadvertently missed the email from the Court and continued to understand that co-counsel, Jennifer J. Miller, had requested the transcripts from Court Administration and was still waiting for an reply.

Accordingly, lead counsel has also expressed his sincere apology for the delay and inconvenience to the Court and to Court Administration and to counsel and the parties that this has caused and commits to respond immediately to all communications from the Court. As a consequence of this omission, on October 29, 2025, after 5:00, p.m. lead counsel, James G. Carpenter, received an email and letter from the Court notifying counsel of the dismissal of the appeal for failure to respond or to inform the Court of the transcript request status earlier.

In response, that same evening of October 29, 2025, lead counsel James G. Carpenter immediately forwarded the Court's letter to co-counsel Jennifer J. Miller. She then searched her emails and found the communication of September 5, 2025, from the Transcript Portal Request System directing her to submit the Transcript Request Form to the Master in Equity.

The next day, October 30, 2025, co-counsel called the Master in Equity and was successfully transferred to the court reporter, Ms. Julie Cendroski. After kindly offering to work on the transcript as soon as possible, Ms. Cendroski requested co-counsel Jennifer J. Miller's email address and immediately emailed a Transcript Request Form. As soon as she received this email,

co-counsel sent the original request of August 8, 2025, to Ms. Cendroski. In that email exchange on Thursday, October 30, 2025, Ms. Cendroski replied that she would begin transcribing the March 4, 2025 hearing at her earliest convenience.

The following day, on Friday, October 31, 2025, as well as over the weekend and into Monday, November 3, 2025, co-counsel coordinated long-distance with lead counsel, James G. Carpenter, who was out-of-state visiting family, to prepare this Motion to Reinstate the appeal. Also on Monday, November 3, 2025, the court reporter, Ms. Julie Cendroski, emailed an invoice for the missing transcript and co-counsel replied that payment would be sent tomorrow, November 4, 2025.

Finally, also on Monday, November 3, 2025, co-counsel files this Motion and petitions the Court to allow her to help remedy this delay and inconvenience by communicating promptly in this appeal and in the future with full understanding of and attention to the transcript request process. Co-counsel also apologizes to counsel and the parties who have experienced this delay and inconvenience since August as well. In that regard, the original case was filed in 2019, and the parties have been waiting for a final resolution for 6 years.

In conclusion, although Appellant respectfully suggests that Respondent has not suffered any outcome-determinative prejudice because of this delay from August 8, 2025, to November 3, 2025, lead counsel James G. Carpenter and co-counsel Jennifer J. Miller apologize deeply for the burden and inconvenience to the parties and to the Court and Court Administration, and particularly to the staff. In the future counsel commits to initiate transcript requests immediately and accurately and with knowledge of the system and to follow and communicate progress to the Court effectively.

For all these reasons, Appellant respectfully petitions the Court's forbearance and reinstatement of the appeal.

Respectfully submitted,  
**THE CARPENTER LAW FIRM, PC**

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Other Counsel of Record:

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**CERTIFICATE OF SERVICE**

The undersigned attorney certifies that she served a copy of the foregoing Appellant's Motion to Reinstate Appeal upon counsel for the Respondent by email November 2, 2025, and by first class mail, postage prepaid, this November 4, 2025, addressed as follows:

Mary Caskey  
Haynesworth Sinkler Boyd, PA  
PO Box 1889  
Columbia, SC 29211  
Attorneys for Synovus Bank

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Respectfully submitted,  
**THE CARPENTER LAW FIRM, PC**

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