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December 1, 2025

**VIA E-FILING - ctappfilings@sccourts.org**

The Honorable Jenny Abbott Kitchings  
Clerk of Court, South Carolina Court of Appeals  
1220 Senate Street  
Columbia, SC 29201

**RECEIVED**

**Dec 01 2025**

**SC Court of Appeals**

RE: *Emad Tadros, M.D. v. Holder Properties, Inc.*  
*Appellate Case No.: 2022-001434*  
*Our File No.: 4000-0007*

Dear Ms. Kitchings:

I am writing pursuant to the Court of Appeal's order dated November 6, 2023 directing the parties to update the court every 30 days on the status of the remand order dated requiring the trial court to attempt to recreate the record.

As of today, Judge Newman has executed the Order on Reconstructing the Record (see attached).

Please contact me with any questions at this time.

Sincerely,



T. Jeff Goodwyn, Jr.

TJG:cnc

Enclosure

cc: Douglas W. Mackelcan, Esquire  
Skyler C. Wilson, Esquire  
Emad Tadros

|                                           |   |                                    |
|-------------------------------------------|---|------------------------------------|
| STATE OF SOUTH CAROLINA                   | ) | IN THE COURT OF COMMON PLEAS       |
|                                           | ) | FIFTH JUDICIAL CIRCUIT             |
| COUNTY OF RICHLAND                        | ) | CASE NO.: 2019-CP-40-00919         |
|                                           | ) |                                    |
| Emad Tadros, M.D. as Trustee of the Grace | ) |                                    |
| Living Trust dated October 12, 2010, as   | ) |                                    |
| amended,                                  | ) |                                    |
|                                           | ) |                                    |
| Plaintiff,                                | ) | <b>ORDER ON RECONSTRUCTING THE</b> |
|                                           | ) | <b>RECORD</b>                      |
| vs.                                       | ) |                                    |
|                                           | ) |                                    |
| Holder Properties, Inc., John R. Holder,  | ) |                                    |
| Individually, ADESSO/Columbia, LLC,       | ) |                                    |
| ADESSO Horizontal Property Regime, and    | ) |                                    |
| ADESSO Homeowners' Association,           | ) |                                    |
|                                           | ) |                                    |
| Defendants.                               | ) |                                    |

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This matter came before the Court for a hearing on June 17, 2025, on Adesso Defendants' Motion to Reconstruct the Record. Present at the hearing were (1) Michael Masciale, former counsel for Adesso Defendants; (2) Skyler Wilson, current counsel for Adesso Defendants; (3) Charles Blackburn, former counsel for Plaintiff; and (4) Jeff Turnipseed, an attorney with Goodwyn Law, which currently represents Plaintiff. Based on the motion, submissions of counsel, and arguments at the hearing, this Court finds the following:

**Findings of Fact**

This lawsuit involves Plaintiff's claims that the Adesso HOA violated its Master Deed and City of Columbia zoning ordinances in allocating parking for his commercial units, and violated the Master Deed in assessing Plaintiff for costs, expenses, and other budget items for the maintenance and upkeep of common areas.

After discovery, Adesso Defendants moved for summary judgment, arguing that Plaintiff's claims were barred by the applicable statutes of limitation, the parking issue was moot, and Plaintiff was being assessed appropriately under the Master Deed. Plaintiff contested the motion for summary judgment, submitting a memorandum in opposition with exhibits outlining Plaintiff's

position. Judge DeAndrea G. Benjamin held a virtual hearing on the motion on January 7, 2021, which was recorded via WebEx. Present at the hearing were Attorney Mike Masciale on behalf of Adesso, Attorney Charles Blackburn for Plaintiff Emad Tadros, and Attorney Kevin Bell for Holder Properties. Judge Benjamin granted Adesso Defendants summary judgment on September 21, 2021. Plaintiff moved to reconsider, which was denied on September 19, 2022.

Plaintiff filed a Notice of Appeal on October 11, 2022. Plaintiff ordered the transcript of the summary judgment hearing. The transcript, however, contained numerous instances of “inaudible” or other notes that reflected the court reporter’s inability to transcribe arguments from both counsel. As a result of the transcript issues, the Court of Appeals held the appeal in abeyance and remanded it to the circuit court for reconstruction of the record. Subsequently, Adesso Defendants moved this Court for an order reconstructing the record.

This Court held a hearing on Adesso Defendants’ motion on April 16, 2025. Adesso Defendants submitted a memorandum in support of finding the record reconstructed. Because original counsel who argued the summary judgment motion were not present at the April 16 hearing, however, this Court continued the hearing so that original counsel could appear and be heard on the matter. The motion was heard on June 17, where current and original counsel appeared.

### **Findings**

At the hearing, former counsel for Plaintiff, Mr. Blackburn, and current counsel for Adesso Defendants agreed that, based on the arguments and exhibits in Adesso Defendants’ memorandum in support of reconstruction, the inaudible portions of the transcript would not interfere with the appeal going forward because the “inaudibles” are either represented in the written submissions related to the summary judgment motion or can be discerned from surrounding context in the transcript of the hearing. Further, according to communications with the Court reporter who

transcribed the recorded hearing, the inaudible portions lasted only one or two seconds each. Mr. Masciale concurred, and his recollection was that there were no extended interruptions in audio during the summary judgment hearing.

Mr. Turnipseed did not agree with Adesso's current and former counsel or with Plaintiff's former counsel, Mr. Blackburn. However, this Court finds that the record is as complete as it is going to get and, therefore, the appeal can move forward based on the current record and discussion of counsel.

Therefore, based on the submissions of counsel and discussions at the hearing, this Court finds that the record is as reconstructed as it can be and that the inaudible sections of the transcript are represented in written submissions from the summary judgment hearing or can be discerned from the surrounding context of the transcript. Out of an abundance of caution, this Court also directs Court Administration to release a copy of the audio recording of the summary judgment hearing to Attorney Wilson and Attorney Goodwyn.

**IT IS SO ORDERED!**

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The Honorable Jocelyn Newman  
Fifth Judicial Circuit



Richland Common Pleas

**Case Caption:** Emad Tadros , plaintiff, et al vs Holder Properties Inc , defendant, et al  
**Case Number:** 2019CP4000919  
**Type:** Order/Other

So Ordered

Jocelyn Newman