RECEIVED
Jun 25 2026
SC Court of Appeals

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY

Court of Common Pleas

The Honorable William H. Seals, Jr., Circuit Court Judge

Case No. 2025-000702

Ashley McElveen,
Appellant,

v.

John Marshall Rushing Jr.,
Respondent.

NOTICE OF APPEAL STATUS UPDATE REGARDING TRANSCRIPTS AND INITIAL BRIEF

COMES NOW the Appellant, Ashley McElveen, pro se, and files this Notice to update the Court on the status of the appeal proceedings and the trial transcripts necessary to prepare the Initial Brief.

1. Appellant respectfully informs the Court that all necessary trial transcripts have been ordered and paid for, but Appellant has not yet received the completed, certified transcripts despite diligent efforts and repeated communication with the court reporter. Appellant ordered transcripts from Official Court Reporter Cathy J. Provost following the verdict entered in November 2024, and the court reporter acknowledged receipt of Appellant's transcript request by written acknowledgement dated **April 23, 2025**. A copy of that acknowledgement is attached hereto as **Exhibit A.**

2. Appellant paid the reporter in full for the requested transcripts. On or about **June 19, 2025**, Appellant issued Check No. 1107 from the McElveen Bail Bonding operating account in the amount of $170.00 payable to "Cathy Provost – transcripts," as shown in the bank statement and check copy attached as **Exhibit B**.

3. On or about **September 15, 2025**, Appellant issued Check No. 1109 in the amount of $72.25 representing the remaining balance due for the transcripts, as shown in **Exhibit C**.

4. In addition to these checks, Appellant also made electronic payments to the reporter. On **July 21, 2025**, Appellant sent a CashApp payment in the amount of $170.00 to "Cathy Provost" with "for transcripts" noted on the transaction, as reflected in the attached payment confirmation labeled **Exhibit D.**

5. Appellant and the reporter exchanged E-mail on or about **June 26, 2025**, and text messages on **August 19, 2025**, confirming receipt of payment and discussing the outstanding balance and anticipated completion time for the transcripts; these messages are attached as **Exhibit E.**

6. The court reporter continued to communicate with Appellant into **2025** regarding both the Palmetto Surety matter and the present Rushing v. McElveen appeal. On **April 28, 2025**, the reporter texted Appellant stating that she had finished the letter, would send out a payment request via CashApp or other application, and would have the transcript delivered by Mother's Day. Those messages, together with the related screen-shots showing the intended payment arrangements as well as payment, are attached as **Exhibit F.** Despite these assurances, Appellant has still not received the completed transcripts.

7. Because the transcripts remain incomplete and unavailable, Appellant moved for an extension of time to file the Initial Brief in early May 2026, explaining to the Court that she had not yet received the transcripts. The Court granted Appellant's motion and extended the deadline for filing the Initial Brief to **July 21, 2026**, attached as **Exhibit G.**

8. In addition, Appellant has recently learned that her original transcript order with court reporter Kymberlee Williams has been reassigned by the South Carolina Judicial Branch to a new transcription company, Legal Eagle, because the original court reporter is unable to complete the transcript. On **June 24, 2026**, Jessica Antonucci of Legal Eagle emailed Appellant stating that "Legal Eagle has been assigned your transcript request in the above referenced matter" and explaining that Legal Eagle now requires a 50% deposit in the estimated amount of $425.00 before placing the transcript into production, with an anticipated delivery timeframe of approximately sixty (60) days from receipt of the deposit. A copy of this email, as well as the associated transcript request form reflecting Appellant's contact information and the case caption "Rushing, John Marshall J vs Palmetto Surety Corp." and showing that the entire hearing of November 6, 2024 is to be transcribed, is attached as **Exhibit H.**

9. On that same date, Appellant responded by email to Ms. Antonucci, copying the South Carolina transcripts email address, and advised that she has already paid in full for her transcripts and is confused as to why she would be required to pay a second time. Legal Eagle's Director of Operations, Kevin Dehlinger, then emailed Appellant on **June 24, 2026**, confirming that Legal Eagle has "no affiliation with the other two people Appellant paid" and explaining that Legal Eagle is assigned transcripts from the South Carolina Judicial Branch "when the court reporters are unable to complete the transcript." Mr.

Dehlinger further requested clarification as to whether the deposits Appellant had previously paid were for the November 6, 2024 transcript or other trial days so that Legal Eagle would not duplicate work already being done. A copy of this email chain is attached as part of **Exhibit H.**

10. These new communications further demonstrate that Appellant's difficulty in obtaining the transcript is due to the inability of the original reporter to complete the work and the subsequent reassignment of the transcript to Legal Eagle, not any lack of diligence by Appellant. Appellant remains willing to cooperate fully with Legal Eagle and the South Carolina Judicial Branch to ensure that her prior payments are properly credited and that the transcript is completed and delivered without unnecessary duplication of cost.

11. On **June 2, 2026**, Respondent, through counsel Virginia W. Williams, filed a Motion to Dismiss the Appeal pursuant to Rule 240 and Rule 260 of the South Carolina Appellate Court Rules, asserting that Appellant "should have received the transcript" and that Appellant has not produced her communications with the court reporter. That motion was stamped "Received" by the South Carolina Court of Appeals on June 2, 2026 and is attached as **Exhibit I** for the Court's convenience.

By this Notice, Appellant provides the Court with copies of all material communications and payments relating to the transcripts, demonstrating that Appellant has acted in good faith and with diligence to obtain the transcripts, and that the continuing delay is due to circumstances beyond Appellant's control, including the reporter's injury and absence from work. Appellant stands ready to pay any remaining amount that may be required and to proceed immediately with drafting and filing the Initial Brief upon receipt of the complete, certified transcripts. Appellant respectfully requests that the Court:

- Take notice of Appellant's efforts and the attached documentation showing timely ordering and payment for the transcripts;

- Consider these circumstances in ruling on Respondent's Motion to Dismiss and decline to dismiss the appeal based on transcript-related delay not attributable to Appellant; and

- Allow such further reasonable time as the Court deems appropriate for the court reporter to complete and deliver the transcripts and for Appellant to file the Initial Brief upon receipt.

Respectfully submitted this 25th day of June, 2026.

Ashley McElveen
McElveen Bail Bonding
1908 Boundary Street

Beaufort, SC 29902
(843) 271-5999
Pro Se Appellant

Other Counsel of Record
Virginia W. Williams, ESQ
Attorney for Respondent
Post Office Box 1084
Orangeburg, South Carolina 29916
Attorney for Respondent

RECEIVED
Jun 25 2026
SC Court of Appeals

THE STATE OF SOUTH CAROLINA

Court of Common Pleas

The Honorable William H. Seals, Jr. Circuit Court Judge

Case No. 2025-000702

Ashley McElveen

Appellant,

v.

John Marshall Rushing Jr., Respondent,

PROOF OF SERVICE

I certify that I have served the Status Update for Case No. 2025-000702 – to Respondent by E-mail as well as depositing a copy of it in the United States Mail, postage prepaid, on June 25,, 2026, addressed to Plaintiff's attorney of record, David R. Williams, Esq., Virginia W. Williams, ESQ., and Charles H. Williams, ESQ.; Post Office Box 1084, Orangeburg, South Carolina 29916.

Sworn to and subscribed before me
This 25th Day of June, 2026

Notary Public for South Carolina
My Commission Expires:

Ashley McElveen
McElveen Bail Bonding
1908 Boundary St.
Beaufort, SC 29902
Pro se Attorney

Exhibit A

Cathy J. Provost, RMR, Circuit Court Reporter
P. O. Box 206, Taylors, SC 29687
cprovost@sccourts.org
(814) 762-7169

DATE: April 23, 2025

ACKNOWLEDGMENT OF RECEIPT OF TRANSCRIPT REQUEST

TO: Ashley McElveen
1908 Boundary St., Suite A
Beaufort, SC 29902
abmcelveen@gmail.com

DATE(S) OF HEARING: November 7, 2024

CAPTION: John Marshall Rushing, Jr, v. Palmetto Surety Corp.
CASE NO: 2021-CP-07-01598

This is to acknowledge that on this date, April 23, 2025, I received your email correspondence requesting the Transcript of Record in the above-captioned matter. I have reviewed my records and estimate the transcript to be approximately 57 pages.

Rule 607 provides that a rate of $4.25 shall be charged per page for the transcript. I have estimated your cost to be $242.25. In addition, there is a fee of $50.00 for any hard copy mailed via USPS. **Upon receipt of payment in full, I will place your request in line for transcription**. If the transcript is less than $170.00, I will refund the difference to you upon delivery of the transcript. If the transcript is more, the balance will be due prior to delivery of the transcript.

As per the rules, I have 60 days in which to complete the transcript after receipt of the deposit. If you desire the transcript sooner, the page rate will be higher. In addition, I am allowed to request 30-day extensions from Court Administration, if necessary. You will be notified if extensions are granted.

If you desire to cancel the request for the transcript, a cancellation request must be made in writing and you will be responsible for payment of any portion already completed.

Should you have any questions regarding the above information, please contact me. Thank you for your request in this matter.

Cathy J. Provost

Exhibit A-2

12:01 68

May 1, 2025
2:33 PM

2:33 20

Inbox

PC **Provost, Cathy** Apr 23
To You

11072024.BEAUFORT.RUSHINGvPALMETTO
PDF - 120 KB

Ms. McElveen,

I received your request for a transcript in the matter of John Marshall Rushing v. Palmetto Surety Company. I have attached a reply which includes the cost. Payment is due, payable to me, Cathy J. Provost, at P.O. Box 206, Taylors, SC 29687, in the form of a cashier's check or money order. Once I receive payment, I will put this matter in my transcription queue.

You may reach out to me if I can be of any further assistance. Thank you.

Cathy

Cathy J. Provost, RMR
Official Court Reporter
South Carolina Judicial Branch
P. O. Box 206
Taylors, SC 29687
(814) 762-7169
cprovost@sccourts.org

Exhibit B

JUL 8 2025

Check - 1107 - $170.00

Details

Statement Description:

Check

Date:

7/8/2025

Type:

Debit - Check 1107

McELVEEN BAIL BONDING
OPERATING ACCOUNT
1908A BOUNDARY ST
BEAUFORT, SC 29902

1107

6/19/25 Date

Pay to the Order of Cathy Provost $ 170.00

One hundred + seventy 00 Dollars

First Citizens Bank

For transcripts 1/2

⑆053904604 ⑈009160298062⑈ 01107

Exhibit C

SEP 15 2025

Check - 1109 – $72.25

Details

Statement Description:

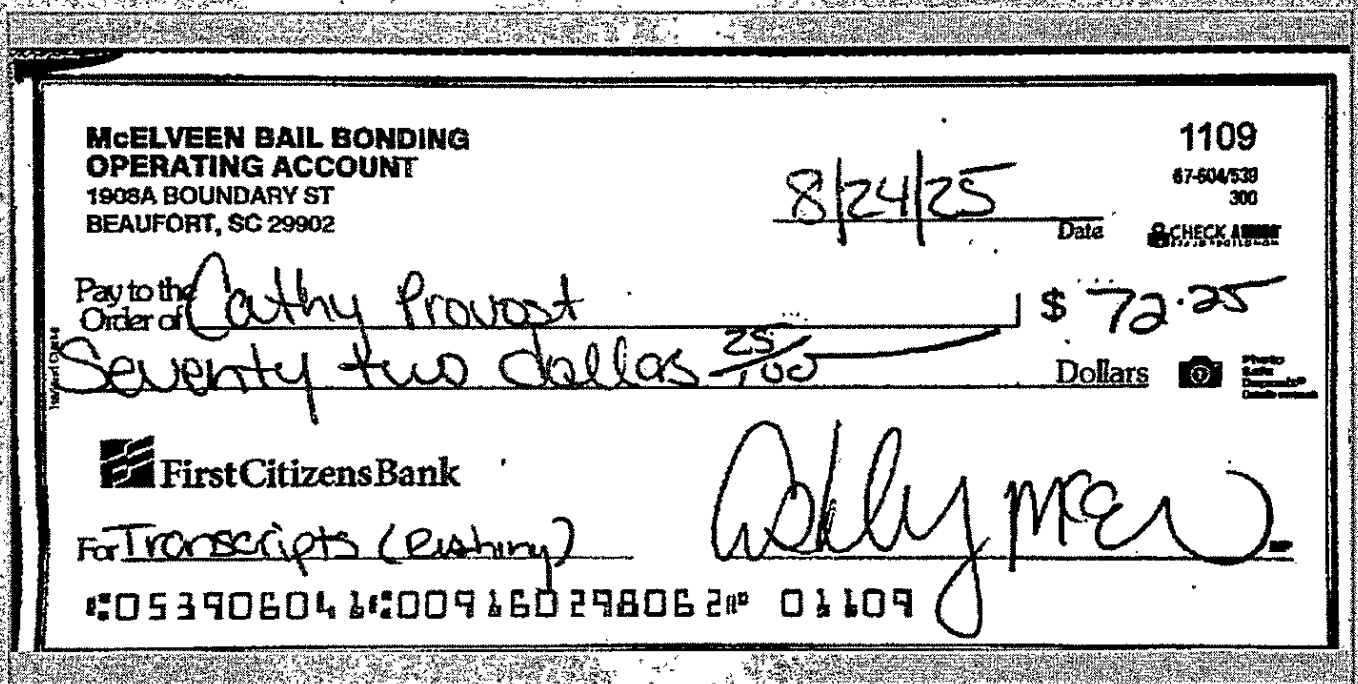
Check

Date:

9/15/2025

Type:

Debit - Check 1109



McELVEEN BAIL BONDING
OPERATING ACCOUNT
1908A BOUNDARY ST
BEAUFORT, SC 29902

1109
67-504/539
300

8/24/25
Date

Pay to the Order of Cathy Provost $ 72.25

Seventy two dollars 25/100 Dollars

First Citizens Bank

For Transcripts (Eshbury)

⑆053904604⑆009160298062⑈ 01109

Exhibit C

12:06

October 14, 2025
8:54 AM

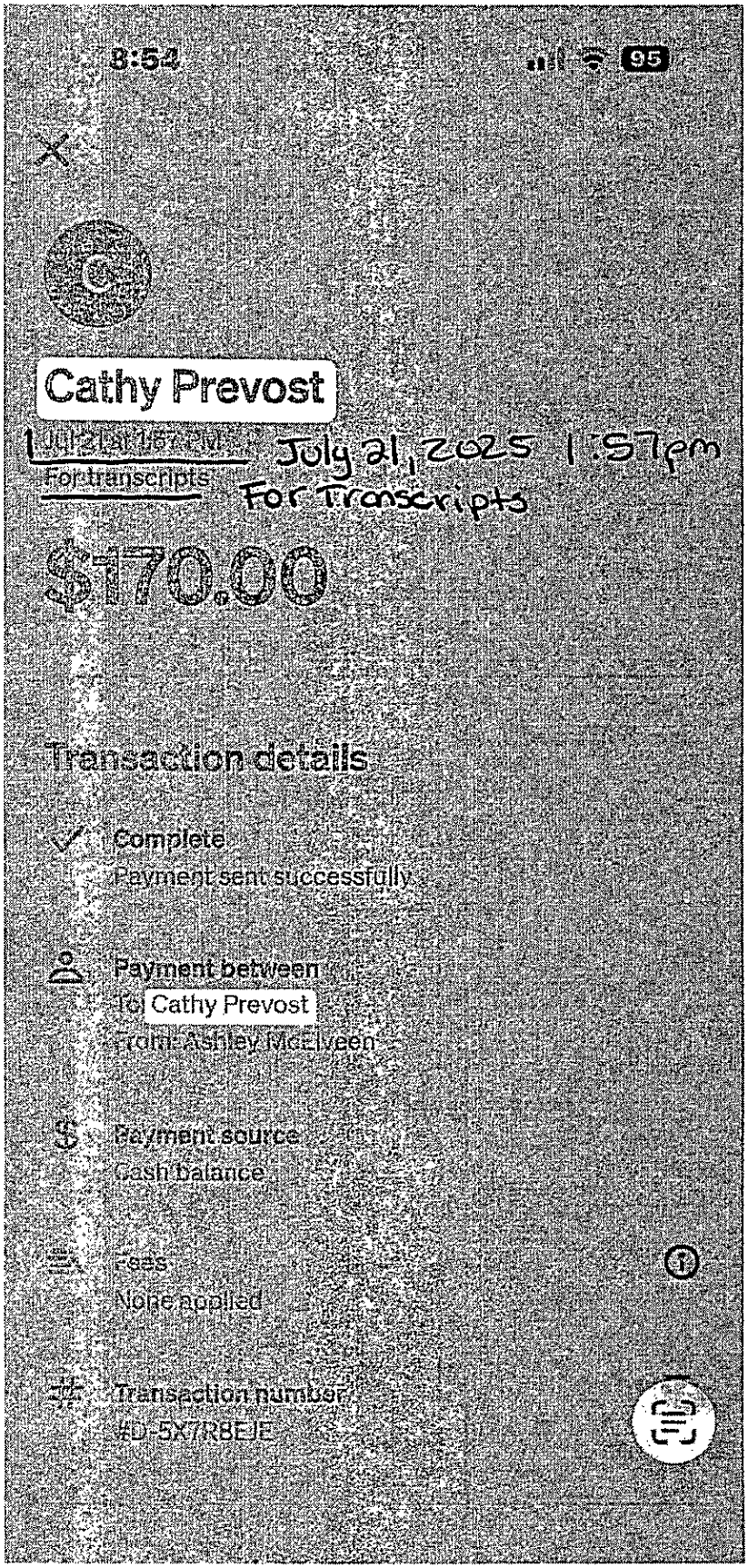
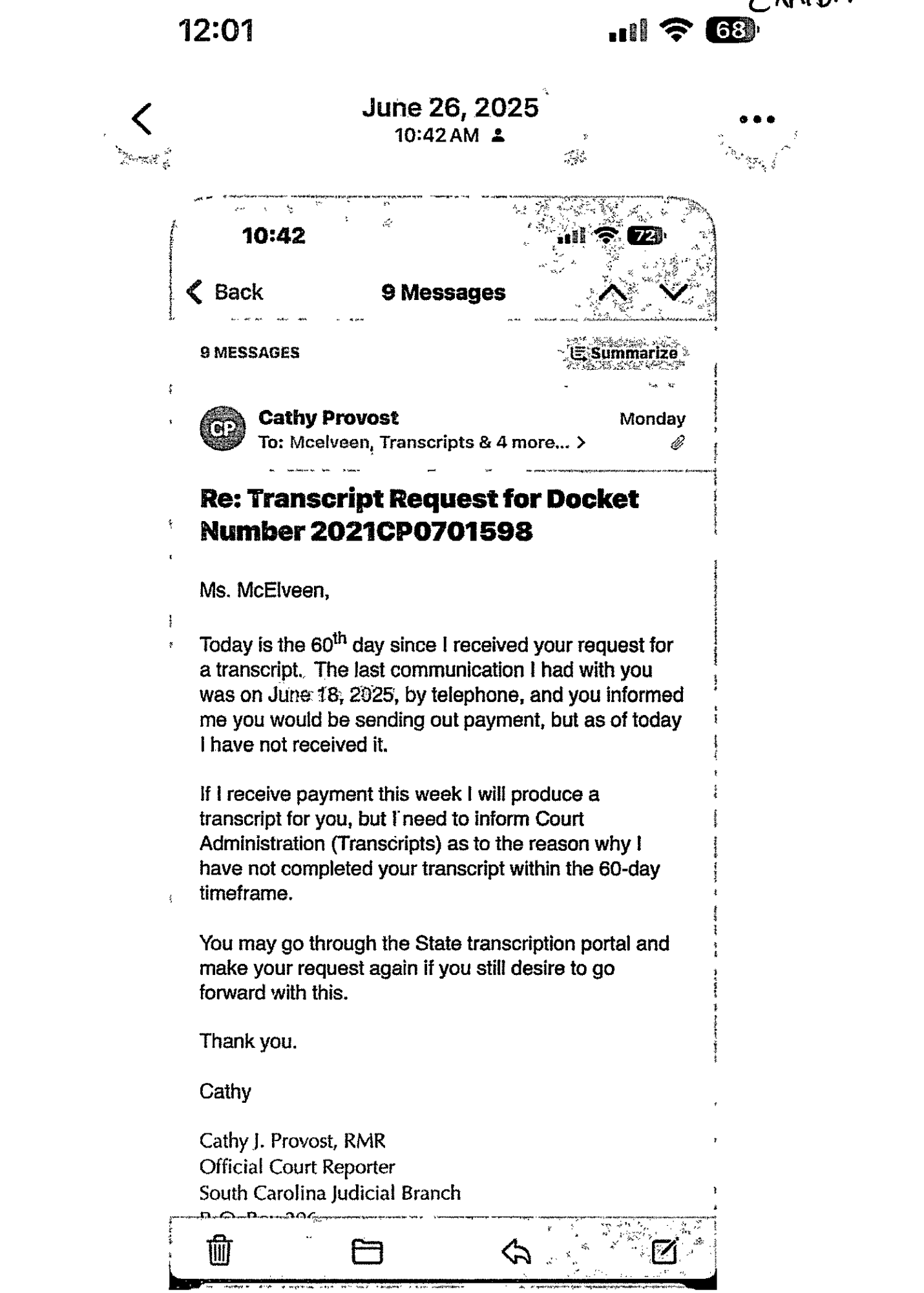


Exhibit E-1



12:01

June 26, 2025
10:42 AM

10:42

Back 9 Messages

9 MESSAGES Summarize

Cathy Provost Monday
To: Mcelveen, Transcripts & 4 more... >

Re: Transcript Request for Docket Number 2021CP0701598

Ms. McElveen,

Today is the 60th day since I received your request for a transcript. The last communication I had with you was on June 18, 2025, by telephone, and you informed me you would be sending out payment, but as of today I have not received it.

If I receive payment this week I will produce a transcript for you, but I need to inform Court Administration (Transcripts) as to the reason why I have not completed your transcript within the 60-day timeframe.

You may go through the State transcription portal and make your request again if you still desire to go forward with this.

Thank you.

Cathy

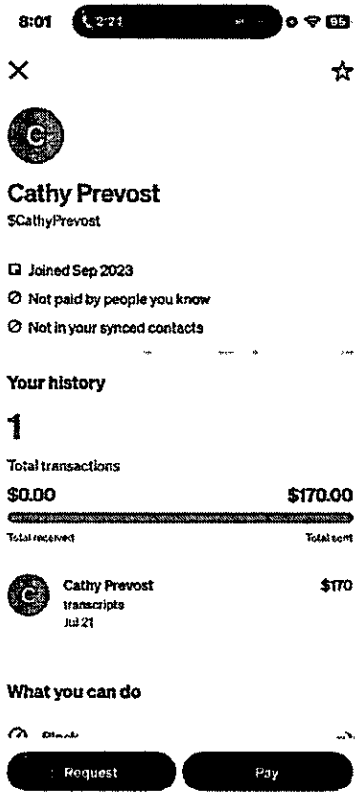
Cathy J. Provost, RMR
Official Court Reporter
South Carolina Judicial Branch

Exhibit E-2

12:32

Cathy

Tue, Aug 19 at 8:03 AM



Thanks for taking my call. Here is a screen shot that may help locate it. I look forward to hearing from you.

Tue, Aug 19 at 9:03 AM

Ashley, that's not me. My last name is Provost. You sent a "Prevost" $170 but you also sent me a check for $170 in the mail. That was a deposit. Balance due is $72.25, and I sent you an invoice via email on July 14th for that.

Oh my goodness 😳. If it wasn't for

iMessage

Exhibit E-3

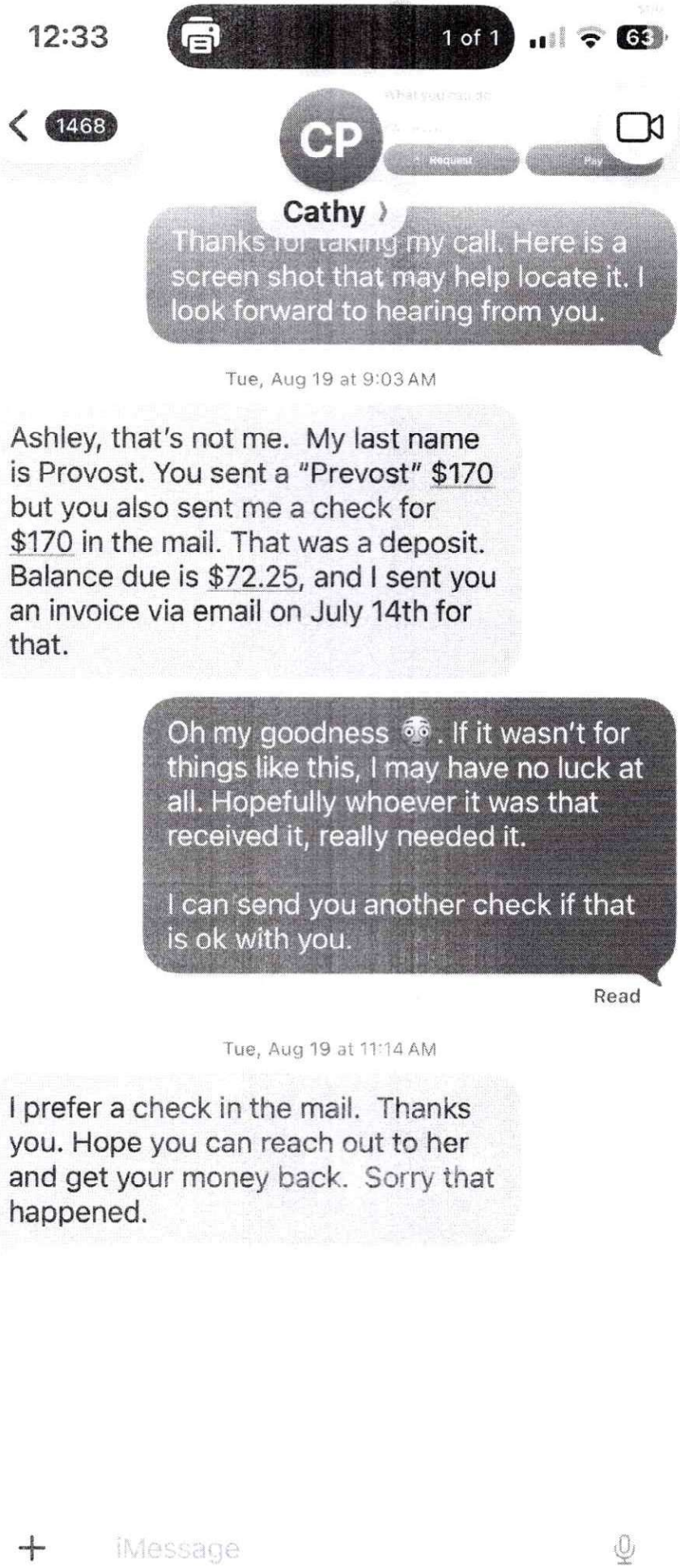

12:33
1 of 1
63
1468
CP
Cathy
Thanks for taking my call. Here is a screen shot that may help locate it. I look forward to hearing from you.
Tue, Aug 19 at 9:03 AM
Ashley, that's not me. My last name is Provost. You sent a "Prevost" $170 but you also sent me a check for $170 in the mail. That was a deposit. Balance due is $72.25, and I sent you an invoice via email on July 14th for that.
Oh my goodness 😳. If it wasn't for things like this, I may have no luck at all. Hopefully whoever it was that received it, really needed it.
I can send you another check if that is ok with you.
Read
Tue, Aug 19 at 11:14 AM
I prefer a check in the mail. Thanks you. Hope you can reach out to her and get your money back. Sorry that happened.
iMessage

Exhibit F-1

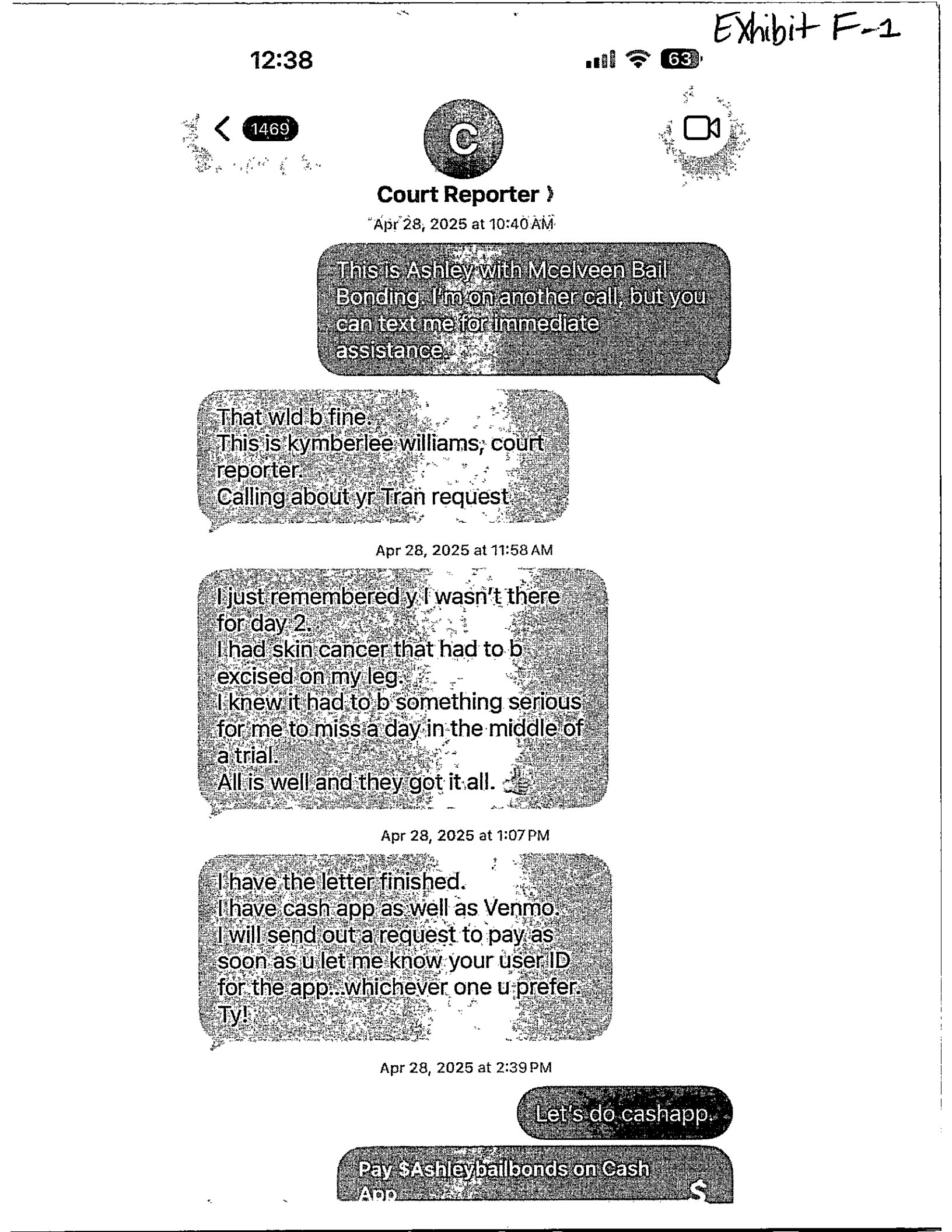

12:38
63
1469
C
Court Reporter
Apr 28, 2025 at 10:40 AM
This is Ashley with Mcelveen Bail Bonding. I'm on another call, but you can text me for immediate assistance.
That wld b fine.
This is kymberlee williams, court reporter.
Calling about yr Tran request
Apr 28, 2025 at 11:58 AM
I just remembered y I wasn't there for day 2.
I had skin cancer that had to b excised on my leg.
I knew it had to b something serious for me to miss a day in the middle of a trial.
All is well and they got it all.
Apr 28, 2025 at 1:07 PM
I have the letter finished.
I have cash app as well as Venmo.
I will send out a request to pay as soon as u let me know your user ID for the app...whichever one u prefer.
Ty!
Apr 28, 2025 at 2:39 PM
Let's do cashapp.
Pay $Ashleybailbonds on Cash App

Exhibit F-2

reporter.
Calling about yr Tran request

12:42 62

1469

Court Reporter

embered y there
for day 2.
I had skin canc
excised on my leg.
I knew it had to b something serious
for me to miss a day in the middle of
a trial.
All is well and they got it all.

Apr 28, 2025 at 1:07 PM

I have the letter finished.
I have cash app as well as Venmo.
I will send out a request to pay as
soon as u let me know your user ID
for the app...whichever one u prefer.
Ty!

Apr 28, 2025 at 2:39 PM

Let's do cashapp.

Pay $Ashleybailbonds on Cash App
cash.app

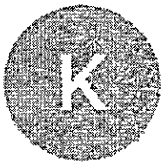
Apr 28, 2025 at 5:24 PM

I just saw this. I sent a request to u.
I'll let u know when I receive it. Ty

Apr 28, 2025 at 6:36 PM

I received the $.
Thx so much I'm
Sending it over to the typist
tomorrow. I will do my best to have
It delivered to u before Mother's Day.
Thx again.

Exhibit F-3



Kymberlee Williams

Apr 28, 2025 at 6:31 PM

For rushing v palmetto surety Tran. 11-6-24

$725.00

Transaction details

Complete
Payment sent successfully

Payment between
To: Kymberlee Williams
From: Ashley McElveen

Payment source
Cash balance

Fees
None applied

Transaction number
PRK0BTY47

Exhibit G

The South Carolina Court of Appeals

John Marshall Rushing, Jr., Respondent,

v.

Palmetto Surety Corporation, Ashley McElveen, individually and dba McElveen Bail Bonding, Richard McElveen, Jack Doe, and Beaufort County (Detention Center), Defendants,

of which Ashley McElveen, individually and dba McElveen Bail Bonding, is the Appellant.

Appellate Case No. 2025-000702

The Honorable William H. Seals, Jr.
Beaufort County
Trial Court Case No. 2021CP0701598

ORDER

The time for serving and filing the initial brief of appellant and designation of matter is hereby extended until July 21, 2026. No further extensions will be granted absent extraordinary circumstances.

FOR THE COURT

BY Jasmine D. Smith, Deputy
CLERK

Columbia, South Carolina

FILED
May 26 2026

cc:

5 Messages

Transcript Request - J...

Exhibit H

[redacted] 271-5999

From: Jessica Antonucci <jantonucci@LegalEagleInc.com>
Sent: Wednesday, 24 June 2026 08:25:29
To: abmcelveen@gmail.com <abmcelveen@gmail.com>
Cc: Transcripts <transcripts@sccourts.org>; info <info@LegalEagleInc.com>; Alexandria Garraud <agarraud@LegalEagleInc.com>
Subject: RE: Transcript Request - John Rushing vs. Palmetto Surety Corp. 11-6-24

Ashley,

Today, Legal Eagle has been assigned your transcript request in the above referenced matter. In order to complete your order, a 50% deposit is necessary. Based upon our review of the records, it appears this transcript will be approximately 200 pages long. As such, the 50% deposit amount is $425.00 (100 pages x $4.25 per page) for the transcript to be delivered as a PDF to your email.

Please note that the page estimate is not guaranteed. The price indicated above is an approximation based on the audio length. The actual cost and page count may vary due to several factors including but not limited to speech rate, side bars, Q&A v Colloquy, and hearing type. A final invoice will be sent when the transcript is completed.

Once you have confirmed you would like to proceed with the transcript, Legal Eagle will generate the deposit invoice for payment. We will then place your transcript in line for production after the deposit is paid. The due date will be 60 days from the date the deposit was received; however, we typically can produce the transcript more quickly.

Please include any attorneys who were present at each hearing and who they represented with your confirmation as the attorneys are not always introduced in the audio.

If you have any questions, please let us know.

Thank you,

Jessica Antonucci
Court Reporting Scheduler

M (864) 361-0316 | P (864) 467-1373
E jantonucci@legaleagleinc.com

107 LeGrand Blvd., Greenville, SC 29607
www.LegalEagleInc.com

Exhibit-H-1

5 messages

Transcript Request - J...

The content of this email is confidential and intended for the recipient specified in message body. It is strictly forbidden to share any part of this message with any third party, without a written consent of the sender. If you received this message by mistake, please reply to this message and follow with its deletion, so that we can ensure such a mistake does not occur in the future.

From: Ashley McElveen <abmcelveen@gmail.com>
Sent: Wednesday, June 24, 2026 8:29 AM
To: Jessica Antonucci <jantonucci@LegalEagleInc.com>
Cc: Transcripts <transcripts@sccourts.org>; info <info@LegalEagleInc.com>; Alexandria Garraud <agarraud@LegalEagleInc.com>
Subject: Re: Transcript Request - John Rushing vs. Palmetto Surety Corp. 11-6-24

Good morning,
I have paid in full for my transcripts, so I'm confused about why I would need to pay a second time?

Thank you,
Ashley

Ashley McElveen
843-271-5999

From: Jessica Antonucci <jantonucci@LegalEagleInc.com>
Sent: Wednesday, 24 June 2026 08:25:29
To: abmcelveen@gmail.com <abmcelveen@gmail.com>
Cc: Transcripts <transcripts@sccourts.org>; info <info@LegalEagleInc.com>; Alexandria Garraud <agarraud@LegalEagleInc.com>
Subject: RE: Transcript Request - John Rushing vs. Palmetto Surety Corp. 11-6-24

Ashley,

Today, Legal Eagle has been assigned your transcript request in the above referenced matter. In order to complete your order, a 50% deposit is necessary. Based upon our review of the records, it appears this transcript will be approximately 200 pages long. As such, the 50% deposit amount is $425.00 (100 pages x $4.25 per page) for the transcript to be delivered as a PDF to your email.

Plea[illegible]te is not guaranteed. The pri[illegible]mation based on the ad[illegible]age count may vary due to [illegible] limited to speech rate, side bars, use of exhibits, and breaks. A final [illegible] will be sent when the transcript is completed.

Kevin Dehlinger
To: Jessica, Bail Line >

Yesterday

Exhibit H-2

Re: Transcript Request - John Rushing vs. Palmetto Surety Corp. 11-6-24

Ashley,

The deposits you paid, were they for the Nov 6 transcript or other days of the trial? I want to make sure we are not duplicating work a court reporter is already doing before we ask you to pay another deposit.

Please note, we have not affiliation with the other two people paid. We are assigned transcripts from the SCJB when the court reporters are unable to complete the transcript. Thank you.

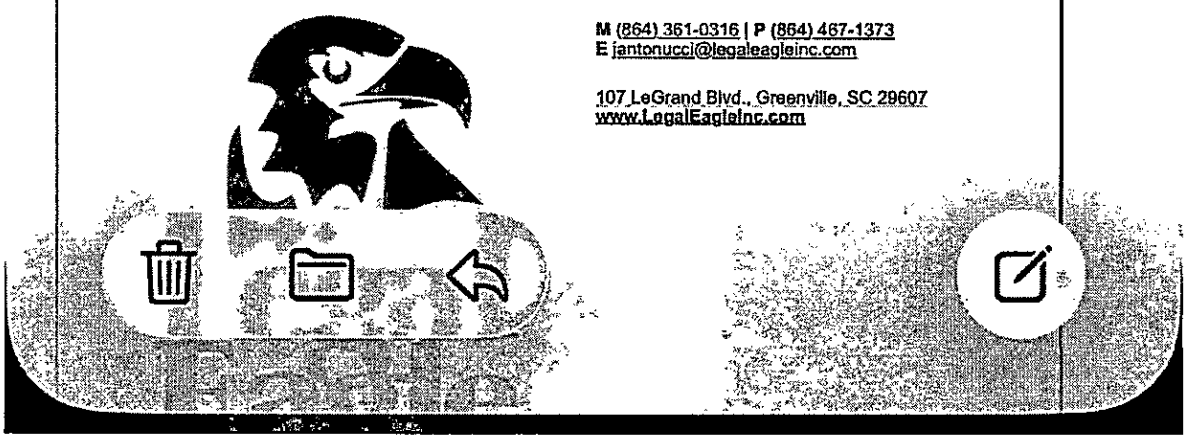
Kevin Dehlinger
Director of Operations

> On Jun 24, 2026, at 1:10 PM, Jessica Antonucci <jantonucci@legaleagleinc.com> wrote:
>
> Below is her response on who she paid.

Jessica Antonucci
Court Reporting Scheduler

M (864) 361-0316 | P (864) 467-1373
E jantonucci@legaleagleinc.com

107 LeGrand Blvd., Greenville, SC 29607
www.LegalEagleInc.com



Palmetto Surety Corporat

Exhibit H-3

al Pending? Court of Appeals

Death Penalty? No

Start Date of Proceeding: 11/6/2024

End Date of Proceeding: 11/6/2024

Presiding Judge: Seals, Jr., William H.

Court reporter daily assignments:

11/06/2024: Contract Circuit, LE

Opposing Counsel and/or other parties information:

(Attorney) Christy L. Scott

(email): cscott@lawofficeofchristyscott.com

(Defendant) Palmetto Surety Corporat

(email): amanda@brewerlaw.com

(Plaintiff) John Marshall J Rushing

(email): ginny@williamsatty.com

(Plaintiff Attorney) Virginia Watso Williams

(email): ginny@williamsattys.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

~~ NOTICE ~~~ This m e is addressee and may n information that is confidential. If you are not the

Exhibit H-4

Requester Information:

Name: Ashley Mcelveen
Entity: Other Defendant
Phone Number: (843) 271-5999
Email: abmcelveen@gmail.com
Address: 1908 Boundary St. Suite A Beaufort, SC 29902
Is the requester a party on the case? Yes Ashley McElveen
Does the requester represent a party? No

Transcript Information:

Docket Number: 2021CP0701598
Court Type: Circuit
County: Beaufort
Case Caption: Rushing, John Marshall J vs Palmetto Surety Corporat
Appeal Pending? Court of Appeals
Death Penalty? No
Start Date of Proceeding: 11/6/2024
Er **ıg:** 11/6/2024
Pl s, Jr., William H.
Court reporter daily assignments:

Exhibit I-1

RECEIVED
Jun 02 2026
SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

John Marshall Rushing Jr., Respondent,

v.

Palmetto Surety Corporation, Ashley McElveen, individually and d/b/a McElveen Bail Bonding, Richard McElveen, Jack Doe, and Beaufort County (Detention Center), Defendants,

Of which Ashley McElveen, individually and d/b/a McElveen Bail Bonding, is the Appellant,

Appellate Case No. 2025-000702

RESPONDENT'S MOTION TO DISMISS THE APPEAL

Pursuant to Rule 240, 260(a), and 207(a) of the South Carolina Appellate Court Rules, Respondent hereby moves to dismiss this appeal. The verdict in this case was entered in November of 2024. Post-trial motions proceeded thereafter and concluded with a denial by the lower court on or about March 5, 2025. Appellant filed her notice of appeal on or about April 4, 2025. It was dismissed by Order of this court on or about November 10, 2025, and reopened December 12, 2025. On March 4, 2026, Respondent filed a motion requiring Appellant to produce her communications with the court reporter. Respondent did not file a return. The court then granted Respondent's motion on March 4, 2026, finding the Appellant should have received the transcript and that her brief was due on or about April 23, 2026. Appellant has asserted more difficulty in getting the transcript and thus was

Exhibit I-2

granted another extension to file her initial brief (until July 21, 2026). However, Appellant has still not produced to this court nor Respondent the communications with the court reporter. It is also notable that Appellant is seeking to block Respondent's collection efforts against the non-appealing defendant in the lower court. As such, Respondent moves this court for a dismissal of the appeal pursuant to Rule 260 for failure to comply with the rules and the orders of the court.

RESPECTFULLY SUBMITTED,

David R. Williams, 77899
Virginia W. Williams, 77898
WILLIAMS & WILLIAMS
1281 Russell Street
Post Office Box 1084
Orangeburg, S.C. 29116-1084
Phone: (803) 534-5218
williamsdr@williamsattys.com
williamsvw@williamsattys.com

June 2, 2026
Orangeburg, South Carolina

ATTORNEYS FOR PLAINTIFF