THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED
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SC Court of Appeals

APPEAL FROM BERKELEY COUNTY
Court of Common Pleas
Honorable Judge George M. McFaddin, Jr., Circuit Court Judge
Honorable Judge Jennifer B. McCoy, Circuit Court Judge

Appellate Case No. 2026-000201

Cheryl Carter, Pro Se..... Appellant,

v.

McElveen Buick GMC, Inc. ..... Respondent.

APPELLANT'S NOTICE OF COMPLIANCE AND RE-SERVICE OF INITIAL BRIEF

Appellant Cheryl Carter, proceeding pro se, respectfully files this Notice to address, on an immediate basis, the transcript-status and service concerns raised in Respondent's Motion to Dismiss Appeal, or in the Alternative, for Sanctions and to Compel Compliance, while Appellant's substantive opposition to that motion is prepared and filed separately.

1. Transcript Status

Appellant has diligently pursued the transcript(s) needed for this appeal since shortly after filing her Notice of Appeal, ordering transcripts on multiple occasions between February and May

2026. The transcripts that exist and are relevant to this appeal are reflected in Appellant's Designation of Matter, filed July 22, 2026.

With respect to the transcript of the August 12, 2025 hearing (Transcript Request ID 142497386), Appellant has now confirmed, after sustained effort, that no such transcript exists. Upon ordering this transcript, Appellant received an out-of-office reply from the court reporter. Upon the reporter's stated return date, Appellant attempted to follow up and was informed that, due to the reporter's backlog, the matter would be assigned to a co-worker; Appellant was never contacted by that co-worker. This is what prompted Appellant's Notice Regarding Status of Transcript Request, filed with the Clerk on June 8, 2026, to which the Court did not respond. Appellant made a further attempt to contact the court reporter and received a written response, attached to this Notice as **Exhibit B**, confirming the Appellant's efforts to obtain the record of a transcript for the August 12, 2025 hearing.

Appellant's further inquiry, corroborated by the record of the Court of Common Pleas, established the reason: Respondent's counsel had filed a Motion for Leave due to a death in counsel's immediate family, which the Order of Protection was granted the day before the August 12, 2025 hearing. The Honorable Judge McCutchen, who presided at that hearing, confirmed this to Appellant directly. Because no transcript of that hearing exists, and because it is not necessary to the issues on appeal, Appellant did not include it in her Designation of Matter, consistent with Rule 209(b), SCACR, which limits a designation to matter relevant to the appeal.

This Notice, together with the record already on file, constitutes Appellant's current and complete status update regarding all transcripts in this matter.

2. Re-Service of Initial Brief

On July 10, 2026, the Clerk sent Appellant a letter addressing transcript status and noting that the Court had not yet received Appellant's Initial Brief. Appellant responded within two to three days by mailing the Initial Brief to Respondent's counsel on July 12, 2026 and to the Court on July 13, 2026.

Appellant served the Initial Brief on Respondent's counsel by U.S. Mail, first-class postage prepaid, on July 12, 2026. Appellant's Certificate of Service, filed with the Initial Brief, certifies that she served a true and correct copy of the brief on counsel for Respondent, Victoria W. Kurtz, Esq., by depositing it in the United States Mail, first-class postage prepaid, addressed to counsel at Johnston Law, LLC, 361 N. Shelmore Blvd., Mt. Pleasant, SC 29464. Under Rule 262(c)(2), SCACR, service by mail is complete upon mailing.

Appellant separately mailed a different copy of the Initial Brief to the Court of Appeals by UPS, with tracking, on July 13, 2026; the Court received and docketed that copy on July 15, 2026. To the extent Respondent's Motion refers to UPS tracking or delivery information addressed to the Court, that information relates to this separate mailing and does not appear in, or contradict, Appellant's Certificate of Service.

Since Respondent filed its Motion, Appellant has received back the envelope she mailed to Respondent's counsel on July 12, 2026, endorsed by the United States Postal Service "**Refused**" and returned to sender, attached to this Notice as **Exhibit A**. The envelope reflects that Appellant paid $3.72 in postage at the time of mailing and that the Postal Service later reassessed the piece at $4.18, a difference of $0.46, which is the amount Respondent's employee was asked to pay and declined at Respondent's office on July 21, 2026. This is the same envelope described in

Respondent's Motion. The returned envelope, attached as **Exhibit A,** confirms that the Initial Brief was properly addressed to Respondent's counsel, mailed with postage paid in good faith, and tendered for delivery.

Without conceding any defect in her service on Respondent's counsel, which was already complete and effective under Rule 262(c)(2), SCACR, on July 12, 2026, Appellant is re-serving the Initial Brief on Respondent's counsel today by certified mail, return receipt requested and email with counsel's consent, solely to remove any further question on this point, as reflected in the certificate of service attached to this Notice. Appellant will provide proof of delivery to the Court upon receipt.

3. Ongoing Compliance

Appellant intends to continue copying Respondent's counsel, the Clerk of the Court of Appeals, and the Office of Court Administration on any further transcript-related correspondence, consistent with Rule 207(a)(1), SCACR, and will promptly notify the Court of any additional developments concerning the transcript(s) or the record on appeal.

Respectfully submitted, this 28th day of July, 2026.

Cheryl Carter

Cheryl Carter, Pro Se
Appellant

CERTIFICATE OF SERVICE

I hereby certify that on this 28th **day of July, 2026**, I served a copy of the foregoing Notice, and re-served a copy of the Initial Brief, on Respondent's counsel of record, Victoria W. Kurtz, Esq., Johnston Law, LLC, 361 N. Shelmore Blvd., Mt. Pleasant, SC 29464, by Certified Mail with return of receipt and email with counsel's consent at: Victoria@JohnstonLawSC.com

Cheryl Carter

Cheryl Carter, Pro Se

EXHIBIT A

Returned Envelope Addressed to Respondent's Counsel
(Endorsed "Refused" by the United States Postal Service, Returned to Sender)

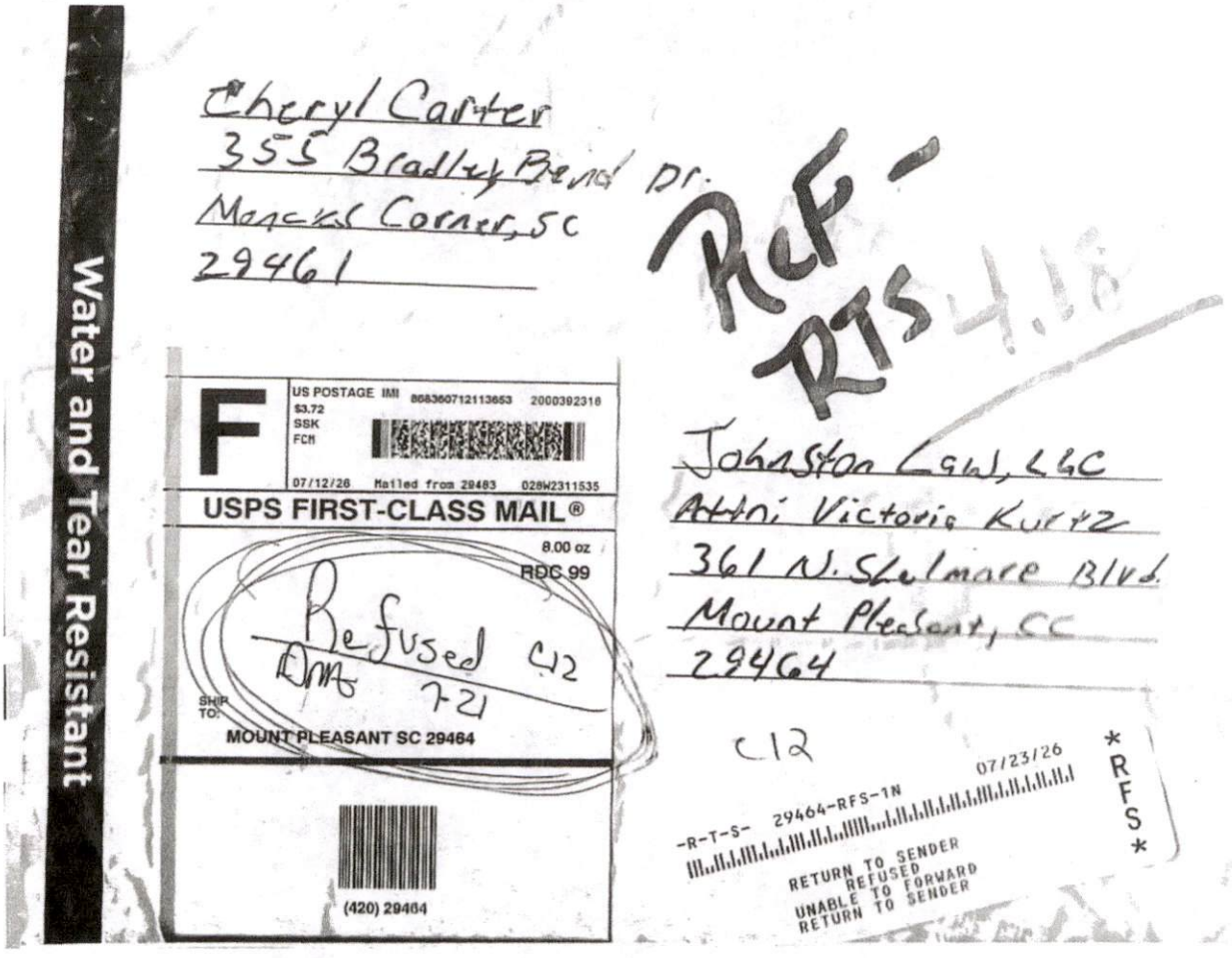

EXHIBIT B

Written Correspondence from the Court Reporter
(Confirming Appellant's Due Efforts to Obtain the Transcript prior to)

From: Transcripts <transcripts@sccourts.org>
Sent: Sunday, April 12, 2026 11:56 AM
To: Williams, Kymberlee <kwilliams@sccourts.org>
Subject: Transcript Request for Docket Number 2025CP0800615

Greetings,

The **summarized transcript request shown below** was received today for a case in which you were the assigned court reporter or you have been assigned as the transcriptionist. Pursuant to South Carolina Appellate Court Rule 207, upon receipt of a request for a transcript, you have five (5) business days to respond to the requestor with an estimated cost for production. Pursuant to Rule 207(a)(1), SCACR, copies of this communication are being provided to all parties, the Office of Court Administration, and the clerk of the applicable appellate court.

Click here to accept or reject the transcript request.

If you need further assistance, please contact us at transcripts@sccourts.org.

Regards,

Court Administration

Summarized Transcript Request ID: **142497386**

On Mon, Apr 13, 2026 at 9:30 AM Williams, Kymberlee <kwilliams@sccourts.org> wrote:

Good morning. I have a few questions about your transcript request.

1. Are you represented by counsel?

2. Do you want this transcript expedited, or is regular 60-day delivery okay.

3. If you are a pro se party, this transcript will need to be paid up front before I can add it to my transcript production queue.

Thanks so much.

On Mon, Apr 13, 2026 at 9:30 PM Cheryl Carter <cmc6751@gmail.com> wrote:

Hello, I am a pro se and I will like that transcript expedited please. Thank you.

From: Cheryl Carter <cmc6751@gmail.com>
Sent: Monday, May 4, 2026 4:45 PM
To: Williams, Kymberlee <kwilliams@sccourts.org>
Cc: Transcripts <transcripts@sccourts.org>
Subject: Re: Transcript Request for Docket Number 2025CP0800615

Hello Kymberlee

My name is Cheryl Carter. I just wanted to get an update on the transcript that I requested on April 13th. The Transcript ID is
142497386

On Tue, May 5, 2026 at 8:46 AM Williams, Kymberlee <kwilliams@sccourts.org> wrote:

Good evening, Ms. Carter:

I know I sent an email in April in response to your request.

First, was your hearing on Aug 11 or Aug 12, 2025?

Secondly, I did not hear back from you with regard to your understanding about prepayment since you are a pro se defendant.

Before I give you the estimate, I need you to confirm the hearing date. After that, I will be able to look up your hearing.

Please confirm. Thank you for your transcript request.

From: Cheryl Carter <cmc6751@gmail.com>
Sent: Tuesday, May 5, 2026 9:09 AM
To: Williams, Kymberlee <kwilliams@sccourts.org>
Subject: Re: Transcript Request for Docket Number 2025CP0800615

Good Morning Mr. williams

Thank you for getting back with me! That hearing date was on Aug 12, 2025.

I did respond back on April 13th letting you know that I am a pro se PLAINTIFF (not defendant) that would like the transcript expedited. Shortly after I sent that message, I received an automated reply message saying that you would be out on leave up to the 04/27/2026.

On Tue, May 5, 2026 at 9:14 AM Williams, Kymberlee <kwilliams@sccourts.org> wrote:

Perfect. I will look it up for you today. Your hearing was sandwiched between a two-wk trial, so it was hard to find. Confirming the hearing date was essential.

Yes. I was out on medical leave until 4-27-26.
This is my second week back, and coincidentally, I am in Charleston this wk.

Have a good day, and we will talk later today.

From: Cheryl Carter <cmc6751@gmail.com>
Sent: Tuesday, May 5, 2026 9:20 AM

To: Williams, Kymberlee <kwilliams@sccourts.org>
Subject: Re: Transcript Request for Docket Number 2025CP0800615

Yes Ma'am you do the same. And Thank you so much!

On Tue, May 5, 2026 at 1:38 PM Williams, Kymberlee <kwilliams@sccourts.org> wrote:
Ms. Carter:

I wanted to let you know that I will not be able to complete your transcript on an expedited basis. My transcript backlog is full at this time.

Shortly, someone will be contacting you when this is reassigned.

Thank you, and have a great afternoon.

On Wed, May 6, 2026 at 1:07 PM Cheryl Carter <cmc6751@gmail.com> wrote:

Ok. Thank you

From: Cheryl Carter <cmc6751@gmail.com>
Sent: Monday, May 11, 2026 10:18 AM
To: Williams, Kymberlee <kwilliams@sccourts.org>

Cc: Transcripts <transcripts@sccourts.org>
Subject: Re: Transcript Request for Docket Number 2025CP0800615

GoodMorning Ms. Williams

I am reaching out to you this morning because I haven't heard anything back from anyone. Would you know if the transcript has been reassigned yet? I understand that your backlog is full. However, is there a timeframe that I can expect the transcript to arrive if it wasn't reassigned? Who can I contact about receiving this transcript if you aren't able to do it?

I apologize if it may seem as if I'm trying to rush this transcript. I just know that I have a case in the court of appeals and they're waiting for me to provide this transcript to move on to the next step. Which is submitting my brief. And I have been trying to get it since early April. Please let me know what is that I can do or who I could contact.

Thank you!

On Wed, May 13, 2026 at 7:22 AM Williams, Kymberlee <kwilliams@sccourts.org> wrote:
Ms. Carter:

I am happy to look into this for you today.

Best,

From: Cheryl Carter <cmc6751@gmail.com>
Sent: Wednesday, May 13, 2026 7:23 AM

To: Williams, Kymberlee <kwilliams@sccourts.org>
Subject: Re: Transcript Request for Docket Number 2025CP0800615

Thank you!

From: **Williams, Kymberlee** <kwilliams@sccourts.org>
Date: Fri, May 29, 2026 at 7:14 AM

Subject: Re: Transcript Request for Docket Number 2025CP0800615
To: Cheryl Carter <cmc6751@gmail.com>
CC: Transcripts <transcripts@sccourts.org>, Holmes, Tammie <tholmes@sccourts.org>

Good morning.
As indicated last week, due to my current workload, as indicated all outstanding transcripts for which I captured the record will be reassigned to another court reporter. A representative from court administration will be contacting you shortly For more information.

Thank you.

_____NOTHING FOLLOWS_____

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JUL 30 2026
SC Court of Appeals

CHERYL CARTER
(843) 345-6751
THE UPS STORE #6505
STE D
505 N HWY 52
MONCKS CORNER SC 29461-3151

1 LBS 1 OF 1
SHP WT: 1 LBS
DATE: 28 JUL 2026

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SC COURT OF APPEALS
STE 101
1220 SENATE ST

COLUMBIA SC 29201-3769

SC 292 9-11

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TRACKING #: 1Z 759 79A 03 2440 4825

BILLING: P/P

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