

# BRADFORD NEAL MARTIN & ASSOCIATES, PA

ATTORNEYS AT LAW

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January 7, 2014

Ms. Elizabeth Carter  
South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

Subject: William F. Tomz v. Capital Funding, et al.  
C/A No.: 2008-CP-23-3665  
SC Court of Appeals Tracing No. 2013-002676

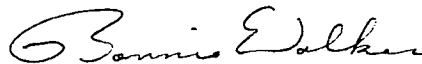
Dear Elizabeth:

Thank you for the time you spent over the phone with me this afternoon in regard to the subject Appeal. I understand from our conversation that there has been no deadline set for the Initial Brief at this time and that our Motion for Extension of Time to File Initial Brief has been received and will be reviewed by the Court sometime this week. This is to confirm that this Motion stays the deadline for filing of the Initial Brief and that we will receive a deadline for the Initial Brief.

As you requested, I have enclosed a copy of the letter and attachments we sent to Ms. Allen, Manager of Court Reporting and Court Interpreters at Court Administration, on January 2, 2014, regarding our attempts to get a corrected transcript for this Appeal. A copy of this letter was also sent to The Honorable Jenny Abbott Kitchings, and the Court Reporter, per Rule 607(g).

If you have any questions or need anything further in regard to either our Appeal or Motion, please feel free to contact us. We look forward to getting all this resolved so that a deadline for our Initial Brief can be set.

Sincerely yours,



Bonnie J. Walker  
Legal Assistant

LWHT/bjw  
Enclosures

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SC Court of Appeals

# BRADFORD NEAL MARTIN & ASSOCIATES, PA

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January 2, 2014

Ms. Desiree Allen  
Manager, Court Reporting and Court Interpreters  
South Carolina Supreme Court  
Court Administration  
Calhoun Building  
1015 Sumter Street, Suite 200  
Columbia, South Carolina 29201-3739

Re: *William F. Tomz v. Capital Funding, et al*  
C/A No.: 2008-CP-23-3665  
SC Court of Appeals Tracking No. 2013-002676

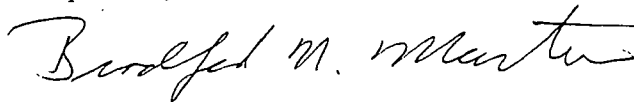
Dear Ms. Allen:

We represent the Appellant, Arthur Field, in the above matter. On October 11, 2013, we received a copy of the transcript of the hearing held on September 17, 2013. The transcript contained many errors, both typographical, and in the text. We wrote to the Court Reporter, Ms. Caroline Hiskell on October 18, 2013 requesting corrections (copy enclosed.) Ms. Hiskell responded on October 25<sup>th</sup> (copy enclosed) stating that the corrections had been made, however, the transcript we received did not contain the corrections. Ms. Hiskell indicated the she would not be taking any further action regarding the transcript.

On November 12, 2013 we wrote to Ms. Hiskell requesting corrections and copies of the tapes of the proceeding (copy enclosed.) On December 5, 2013, we again wrote to Ms. Hiskell requesting copies of the tapes and corrections to the transcript (copy enclosed.) We have not received the tapes or a corrected transcript. An appeal was filed on December 9, 2013 of the Order of The Hon. Edward Miller and an accurate and complete copy of the transcript is needed for the appeal. We request your assistance in obtaining a complete, corrected transcript as well as copies of the tapes of the hearing in order to proceed with the appeal.

Thank you for your attention to this matter. Should you have any questions, please do not hesitate to contact me.

Respectfully,



Bradford N. Martin

/pm

cc: The Honorable Jenny Abbott Kitchings, South Carolina Court of Appeals  
Ms. Caroline Hiskell

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**SC Court of Appeals**

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October 18, 2013

Ms. Caroline Hiskell  
32 Duxbury Lane  
Easley, SC 29642

Re: *William F. Tomz v. Capital Funding, et al*  
C/A No.: 2008-CP-23-3665

Dear Ms. Hiskell:

I am writing to respectfully request certain additions and revisions to the transcript of the hearing held on September 17, 2013, before Judge Miller in the above matter.

First, the transcript does not contain the initial comments by Judge Miller when the case was called. Rather, it starts with my comments. Therefore, I would appreciate the entire comments of the Court prior to my speaking.

Additionally, please make the following corrections:

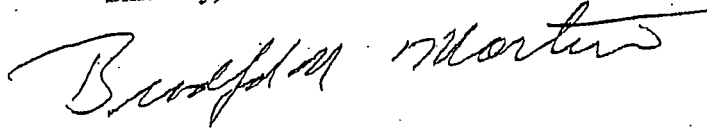
Page 17, line 6 -	The objection made was by Mr. Martin, not Mr. Brandt.
Page 24, line 5 -	"confers" should read "concur"
Page 24, line 7 -	"Author" should read "Arthur"
Page 37, line 5 -	"Pfizer" should read "Pfeiffer"
Page 37, line 6 -	"Pfizer's" should read "Pfeiffer's"
Page 42, line 17 -	"sir" should read "asserted"
Page 49, line 13 -	"Hand" should read "Hold"
Page 57, line 10 -	"towards" should read "storage"
Page 58, line 6 -	"signing" should read "signatory"
Page 59, line 4 -	"about half" should read "on behalf"
Page 62, line 2 -	"filed" should read "followed the"
Page 75, line 4 -	"his" should read "this"
Page 78, line 16 -	"give," should read "given,"
Page 95, line 25 -	"county" should read "accounting"
Page 98, line 14 -	"asses" should read "access"
Page 109, line 7 -	"every" should read "ever"
Page 111, line 17 -	"Poole" should read "Pohl"
Page 112, line 1 -	"propher" should read "proffer"

Page 114, line 25 - "Poole" should read "Pohl"  
 Page 115, line 6 - "Poole" should read "Pohl"  
 Page 115, line 16 - "(inaudible)" should read "Westrick"  
 Page 115, line 17 - "O'Shae" should read "O'Shea"  
 Page 118, line 6 - "appellant" should read "appellate"  
 Page 119, line 4 - "loss" should read "lost"  
 Page 119, line 10 - "it" should read "he"  
 Page 120, line 17 - "around" should read "run"  
 Page 128, line 3 - "Fursella (ph)" should read "Frischia"  
 Page 146, line 7 - "won't" should read "weren't"  
 Page 147, line 1 - "equations" should read "equation"  
 Page 147, line 6 - "loan" should read "long"  
 Page 147, line 6 - "detail" should be excluded  
 Page 147, line 14 - "chosen" should read "chose in"  
 Page 148, line 23 - "rejectment" should read "ejectment"  
 Page 150, line 15 - "me" should read "him"  
 Page 151, line 5 - "bought" should read "brought"  
 Page 151, line 11 - "every" should read "ever"  
 Page 156, line 20 - "non convenience" should read "non conveniens"  
 Page 158, line 11 - "David" should read "Davyd"  
 Page 158, line 11 - "because" should read "became"  
 Page 159, line 11 - "a see" should read "to see"  
 Page 160, line 14 - "You skipped over Cosomo. The Cosomo records were" should  
 read "You skipped over Cosimo. The Cosimo records were"  
 Page 160, line 22 - "Cosomo" should read "Cosimo"  
 Page 160, line 23 - "Cosomo" should read "Cosimo"  
 Page 161, line 24 - "muted" should read "mooted"  
 Page 162, line 7 - "non convenience." should read "non conveniens."  
 Page 162, line 12 - "he not received" should read "he did not receive"  
 Page 163, line 2 - "he could so we" should read "he could so, so we"  
 Page 163, line 7 - "question" should read "questions"  
 Page 163, line 9 - "he" should read "the"  
 Page 163, line 12 - "raise" should read "raised"  
 Page 164, line 5 - "appellant" should read "appellate"  
 Page 164, line 10 - "appellant" should read "appellate"  
 Page 164, line 20 - "obstructionist and" should read "obstructionist behavior and"  
 Page 166, line 5 - "Lobatti" should read "L'Abbate"  
 Page 166, line 14 - "cite" should read "site"  
 Page 168, line 11 - "represented" should read "misrepresented"  
 Page 168, line 18 - "assured" should read "assumed"  
 Page 168, line 19 - "rescended," should read "receiver,"  
 Page 168, line 22 - "I'm not 90 percent" should read "I'm a 90 percent"  
 Page 168, line 23 - "undeclar" should read "declare"  
 Page 170, line 13 - "Ferra" should read "Farrar"  
 Page 174, line 2 - "he" should read "she"  
 Page 176, line 1 - "Cosomo" should read "Cosimo"

Page 178, line 11 - "Appellant" should read "Appellate"  
Page 178, line 12 - "Appellant court and the New Jersey Appellant Court" should read  
"Appellate Court and the New Jersey Appellate Court"  
Page 178, line 19 - "Appellant" should read "Appellate"  
Page 178, line 20 - "Appellant" should read "Appellate"  
Page 178, line 21 - "urgency" should read "emergency"

Thank you for your attention to this matter. Should you have any questions, please do not hesitate to contact me.

Sincerely,



Bradford N. Martin

/pm

*Caroline Hiskell*

*32 Duxbury Lane  
Easley, South Carolina 29642  
Chiskell@sccourts.org*

*October 25, 2013*

*Bradford Neal Martin & Associates  
201 West McBee Avenue, Suite 302  
Greenville, SC 29601*

*RE: William F. Tomz v. Capital Funding, et al  
2008-CP-23-3665*

*Dear Mr. Martin,*

*After reviewing my notes, the corrections to the above-referenced transcript have been made and I am providing you with another copy. Also, in reviewing my notes, I do not have any comments that were made by anyone before Judge Miller opens the hearing by saying the word, "Okay."*

*I understand and appreciate the importance this case is to you, your client, and all involved, but please allow the receipt of this corrected transcript to serve as the conclusion of my involvement in this case. It's now time for me to move on to other pressing issues and continue with the production of other transcripts still pending.*

*Thank you for your time and good luck in your future endeavors.*

*Sincerely,*

*Caroline Hiskell  
Thirteenth Circuit Court Reporter*

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November 12, 2013

Ms. Caroline Hiskell  
32 Duxbury Lane  
Easley, SC 29642

Re: *William F. Tomz v. Capital Funding, et al*  
C/A No.: 2008-CP-23-3665

Dear Ms. Hiskell:

I am writing to respectfully request that you preserve the tapes upon which you based your transcript of the hearing held on September 17, 2013 before Judge Miller in the above-referenced matter. I would also respectfully request a copy of the tapes.

A review of the initial and final transcript that you provided reveal several discrepancies which only the tapes can resolve. Thus, preserving and providing a copy of the tapes is necessary.

Thank you in advance for your cooperation. Should you have any questions, please do not hesitate to contact me.

Sincerely,



Bradford N. Martin

BB/pm

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JAN 10 2014

SC Court of Appeals

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December 5, 2013

Ms. Caroline Hiskell  
32 Duxbury Lane  
Easley, SC 29642

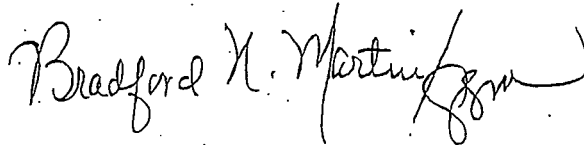
Re: *William F. Tomz v. Capital Funding, et al*  
C/A No.: 2008-CP-23-3665

Dear Ms. Hiskell:

I am writing to follow up on my October 18, 2013 letter requesting a corrected copy of the transcript of the hearing held on September 17, 2013 before Judge Miller in the above-referenced matter, and my November 12, 2013 letter requesting a copy of the tapes from the same hearing.

Thank you for your attention to this matter. I look forward to hearing from you.

Sincerely,



Bradford N. Martin

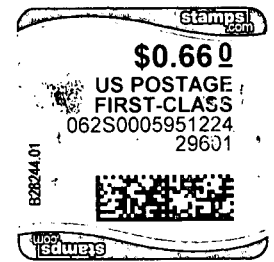
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