

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED
MAR 31 2014
SC Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

Edward W. Miller, Circuit Court Judge

Case No. 2008-CP-23-3665

Capital Funding, LLC and Arthur M. Field, of whom Arthur M. Field is the Appellant . . .
Appellant,

v.

William F. Tomz and Francis W. Tomz, individually and as class representatives
Respondents.

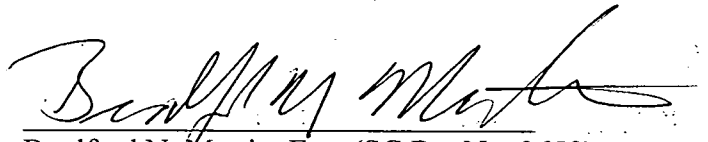
**MOTION TO COMPEL COMPLETION AND CORRECTION OF THE TRIAL
TRANSCRIPT AND PRODUCTION OF COPIES OF TAPES AND FOR AN
ORDER SETTING FORTH A BRIEFING SCHEDULE AFTER THE TRIAL
TRANSCRIPT IS PROPERLY PROVIDED**

Appellant respectfully requests an Order directing the Court Reporter, Ms. Caroline Hiskell, to issue a complete and correct trial transcript, as well as produce the tapes of the hearing held on September 17, 2013, which is the subject of this Appeal, in accordance with Rule 240, SCACR. To date, neither a complete and corrected transcript, nor copies of the tapes have been received. The grounds of this Motion are as follows:

- (1) Appellant timely requested the trial transcript of the hearing from the Court Reporter;
- (2) A partial transcript was received that was not complete and contained

- numerous typographical and substantive errors;
- (3) The appellate courts are entitled under due process of law to a full and accurate transcript to properly review the appeal;
 - (4) Appellant timely requested a complete and corrected copy of the trial transcript and a copy of the tapes;
 - (5) Appellant timely listed the omissions, and numerous typographical and substantive errors to the Court Reporter, but to no avail;
 - (6) Appellant properly filed a Motion for Extension of Time to File his Initial Brief and Designation of Matter to protect his interests; and
 - (7) Appellant now requests that the Court:
 - (a) Require the Court Reporter to:
 - (i) complete the trial transcript;
 - (ii) make the requested typographical and substantive changes in the trial transcript; and
 - (iii) produce a true, audible, and exact copy of the recording of the trial transcript.
 - (b) Once a corrected and complete trial transcript and copy of the tapes are received by the Appellant and this Court, issue an Order setting forth an appropriate briefing schedule.
 - (c) Allow Appellant to withdraw the Motion for Extension of Time to File Initial Brief and Designation of Matter.

Respectfully submitted,



Bradford N. Martin, Esq. (SC Bar No. 3658)
Laura W. H. Teer, Esq. (SC Bar No. 16698)
Brook Bristow, Esq. (SC Bar No. 76038)
BRADFORD NEAL MARTIN & ASSOCIATES, P.A.
Post Office Box 10410
Greenville, South Carolina 29603
864.552.9990
864.552.9992 (facsimile)

March 28, 2014

Other counsel of record:

Stanley T. Case, Esq.
BUTLER, MEANS, EVINS & BROWNE, P.A.
P.O. Box 451
Spartanburg, SC 29304

Bruce W. Bannister, Esq.
BANNISTER & WYATT, LLC
P.O. Box 10007
Greenville, SC 29603

J. Emory Smith, Esq.
OFFICE OF THE SOUTH CAROLINA ATTORNEY GENERAL
P.O. Box 11549
Columbia, SC 29211

George Brandt, III, Esq.
HENDERSON BRANDT & VIETH, P.A.
360 E. Henry Street
Spartanburg, SC 29302

Curtis Warren Stodghill, Esq.
STODGHILL LAW FIRM
P.O. Box 2431
Greenville, SC 29602

William H. Ehlies, Esq.
WILLIAM H. EHLIES, P.A.
310 Mills Avenue
Suite 201
Greenville, SC 29605

Alan Wilson, Esq.
OFFICE OF THE SOUTH CAROLINA ATTORNEY GENERAL
P.O. Box 11549
Columbia, SC 29211

Scott Pfeiffer, Esq.
935 S. Main Street, Suite 203
Greenville, SC 29601

Gene Connell, Esq.
KELAHER CONNELL & CONNOR PC
P.O. Drawer 14547
Surfside Beach, SC 29587

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

Edward W. Miller, Circuit Court Judge

Case No. 2008-CP-23-3665

RECEIVED
MAR 31 2014
SC Court of Appeals

Capital Funding, LLC and Arthur M. Field, of whom Arthur M. Field is the Appellant . . .
..... Appellant,

v.

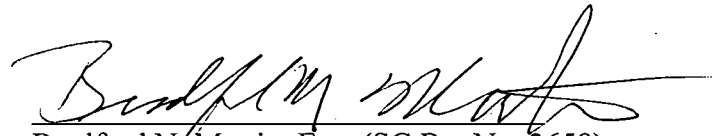
William F. Tomz and Francis W. Tomz, individually and as class representatives
..... Respondents.

PROOF OF SERVICE

I certify that I have served the Motion and Memorandum in Support of Appellant's Motion To Compel Completion and Correction of the Trial Transcript and Production of Copies of Tapes and for an Order Setting Forth a Briefing Schedule After the Trial Transcript is Properly Provided by depositing a copy in the U.S. Mail, Postage Prepaid, on March 28, 2014, addressed to attorneys of record, Stanley T. Case, Esq., Butler, Means, Evins & Browne, P.A., P.O. Box 451, Spartanburg, SC 29304; Bruce W. Bannister, Esq., Bannister & Wyatt, LLC, P.O. Box 10007, Greenville, SC 29603; J.

Emory Smith, Esq., Office Of The South Carolina Attorney General, P.O. Box 11549, Columbia, SC 29211; George Brandt, III, Esq., Henderson Brandt & Vieth, P.A., 360 E. Henry Street, Spartanburg, SC 29302; Curtis Warren Stodghill, Esq., Stodghill Law Firm, P.O. Box 2431, Greenville, SC 29602; William H. Ehlies, Esq., William H. Ehlies, P.A., 310 Mills Avenue, Suite 201, Greenville, SC 29605; Alan Wilson, Esq., Office Of The South Carolina Attorney General, P.O. Box 11549, Columbia, SC 29211; Scott Pfeiffer, Esq., 935 S. Main Street, Suite 203, Greenville, SC 29601; and Gene Connell, Esq., Kelaher Connell & Connor PC, P.O. Drawer 14547, Surfside Beach, SC 29587.

March 28, 2014



Bradford N. Martin, Esq. (SC Bar No. 3658)
Laura W. H. Teer, Esq. (SC Bar No. 16698)
Brook Bristow, Esq. (SC Bar No. 76038)
BRADFORD NEAL MARTIN & ASSOCIATES, P.A.
Post Office Box 10410
Greenville, South Carolina 29603
864.552.9990
864.552.9992 (facsimile)

BRADFORD NEAL MARTIN & ASSOCIATES, PA

ATTORNEYS AT LAW

201 West McBee Avenue, Suite 302
Post Office Box 10410 (29603)
Greenville, South Carolina 29601

bmartin@bnmlaw.com
Phone: (864) 552-9990
FAX: (864) 552-9992

March 28, 2014

The Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

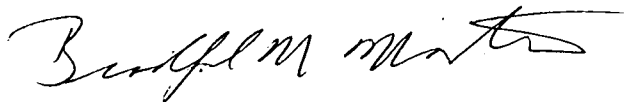
Re: *William F. Tomz v. Capital Funding, et al*
C/A No.: 2008-CP-23-3665
Tracking No. 2013-002676

Dear Ms. Kitchings:

Enclosed for filing please find the original and seven copies of copy of the Motion and Memorandum in Support of Appellant's Motion To Compel Completion and Correction of the Trial Transcript and Production of Copies of Tapes and for an Order Setting Forth a Briefing Schedule After the Trial Transcript is Properly Provided and a Proof of Service in the above matter.

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

Sincerely,



Bradford N. Martin

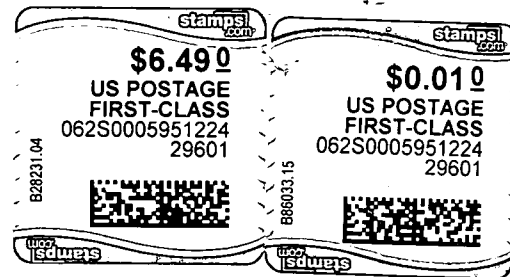
/pm
Enclosures

cc: Bruce W. Bannister, Esq.
Stanley T. Case, Esq.
William Harry Ehlies, Esq.
Alan Wilson, Esq.
J. Emory Smith, Esq.
Curtis W. Stodghill, Esq.
George Brandt, Esq.
Gene Connell, Esq.
Scott Pfeiffer, Esq.

RECEIVED

MAR 31 2014

SC Court of Appeals



First Class Mail

RECEIVED

MAR 31 2014

SC Court of Appeals

BRADFORD NEAL MARTIN & ASSOCIATES, PA
201 WEST MCBEE AVE., SUITE 302
P.O. BOX 10410 (29603)
GREENVILLE, SC 29601

TO:

The Hon. Jenny Abbott Kitchings
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

