

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
J.C. Nicholson, Jr., Circuit Court Judge

72441

Case No. 2012-CP-10-8135

Karen Oliver, Appellant,

v.

Amanda Lawrence and Trident United Way, Respondents.

MOTION TO DISMISS APPEAL

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SC Court of Appeals

The Respondents Amanda Lawrence and Trident United Way move this Court pursuant to Rule 260(a), SCACR, to dismiss the Appellant's appeal based upon the Appellant's failure to timely procure and/or make payment to the court reporter for the hearing transcript needed for this appeal.

The grounds for this motion are set forth in more detail in the supporting

memorandum filed herewith.

DAVIDSON & LINDEMANN, P.A.

BY:  _____

ANDREW F. LINDEMANN
1611 Devonshire Drive
Post Office Box 8568
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(803) 806-8222

*Counsel for Respondents
Amanda Lawrence and Trident United Way*

Columbia, South Carolina

June 6, 2014

DAVIDSON & LINDEMANN, P.A.

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June 6, 2014

Of Counsel
Kenneth P. Woodington

Writer's Email: alindemann@dml-law.com

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RE: Karen Oliver v. Amanda Lawrence and Trident United Way
SCCA Case Number: 2013-002587
Civil Action Number: 2012-CP-10-8135
Claim Number: 21281499
Our File Number: 307.9344

Dear Ms. Kitchings:

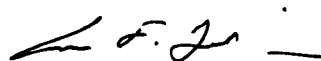
Please find enclosed for filing the originals and seven copies each of the **Motion to Dismiss Appeal** and **Memorandum in Support of Motion to Dismiss Appeal** in the above referenced matter. Please file the originals and return a clocked-in copy of each document to me in the enclosed envelope. I have also enclosed my firm's \$25.00 check for the filing fee.

By copy of this letter, I am serving copies on the *pro se* Appellant and all other counsel of record.

Thank you for your assistance in this matter.

Sincerely,

DAVIDSON & LINDEMANN, P.A.



Andrew F. Lindemann

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AFL/jmb
Enclosures

SC Court of Appeals

The Honorable Jenny Abbott Kitchings
June 6, 2014
Page Two

cc: (w/ Enclosures)

Ms. Karen Oliver
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**MEMORANDUM IN SUPPORT OF
MOTION TO DISMISS APPEAL**

The Respondents Amanda Lawrence and Trident United Way have filed a motion pursuant to Rule 260(a), SCACR, to dismiss the Appellant's appeal based upon the Appellant's failure to timely procure and/or make payment to the court reporter for the hearing transcript needed for this appeal.

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Rule 207, SCACR, governs the ordering of transcripts required for an appeal. Rule 207(a) requires that in appeals from the Court of Common Pleas, "the transcript must be ordered within ten (10) days after the date of service of the notice of appeal." Rule 207(a), SCACR. Rule 207(a) further requires that the appellant "shall, within the time provided for ordering the transcript, make satisfactory arrangements (including agreement regarding payment for the transcript), in writing with the court reporter for furnishing the transcript." Rule 207(a), SCACR.

The Appellant served her Notice of Appeal on November 23, 2013. By letter dated November 30, 2013, the Appellant requested that the court reporter, Mona Manley, prepare a transcript of a motion hearing held on October 9, 2013 before Judge J.C. Nicholson, Jr. The November 30, 2013 letter does not indicate whether the Appellant made arrangements with the court reporter for payment for the transcript.

Thereafter, after the Court had not received notice from the Appellant that the transcript had been delivered or notice of any extension granted to the court reporter, the Court sent a letter dated March 10, 2014 to the Appellant. By letter dated March 18, 2014, the Appellant advised that the transcript had not been received. A subsequent letter was sent by the Appellant on or about March 28, 2014,¹ advising of the name of the court reporter. No further information was provided. The Appellant

¹ The envelope was postdated April 5, 2014.

at no point indicated in those letters that she had made payment for the transcript as required by the court reporter. On April 9, 2014, the Court received correspondence from Mona Manley, the court reporter, indicating that she had not received payment for the transcript in the amount of \$48.75 and that the transcript would not be prepared and delivered until payment was received. That correspondence was directed to the Appellant.

Almost two months have now passed since that correspondence was sent. The Appellant has not provided the Court with any additional information about status of the transcript. More specifically, the Appellant has not provided the Court or Respondents' counsel with any correspondence between herself and the court reporter confirming that payment has been made for the transcript.² The Respondents' counsel has not received a copy of the transcript from the court reporter, which further suggests that the payment has not been made to the court reporter which would allow her to proceed with preparation of what was estimated to be a 15-page transcript.

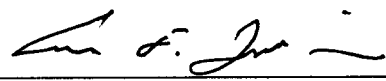
As a result of the Appellant's failure to comply with the applicable Rules of Appellate Procedure for the procurement of the transcript, including the requirement to make arrangements for payment with the court reporter and to actually pay for the

² Rule 207(a) requires that "copies of all correspondence with the court reporter" shall be "contemporaneously" sent to the Court, to Court Administration, and to all counsel of record. No correspondence from the Appellant to the court reporter making payment for the transcript has been received by the Court or by Respondents' counsel.

transcript in a timely manner, the Respondents respectfully request that the Court dismiss this appeal.

Respectfully submitted,

DAVIDSON & LINDEMANN, P.A.

BY: 

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*Counsel for Respondents
Amanda Lawrence and Trident United Way*

Columbia, South Carolina

June 6, 2014

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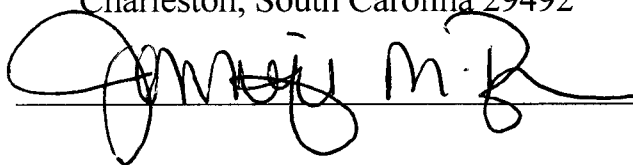
Amanda Lawrence and Trident United Way, Respondents.

CERTIFICATE OF SERVICE

The undersigned employee of Davidson & Lindemann, P.A., counsel for the Respondents, does hereby certify that service of the **Motion to Dismiss Appeal** and **Memorandum in Support of Motion to Dismiss Appeal** in the above-captioned matter was made upon the *pro se* Appellant and all counsel of record by placing copies in the United States Mail, first class postage prepaid, at the below listed addresses clearly indicated on said envelopes this the 6th day of June 2014:

Ms. Karen Oliver
1975 Ghana Street
Johns Island, South Carolina 29455

John L. McDonald, Jr., Esquire
Christina R. Fagnoli, Esquire
Clawson & Staubes, LLC
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