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August 5, 2014

Of Counsel  
Kenneth P. Woodington

Writer's Email: [alindemann@dml-law.com](mailto: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 original and seven copies of the **Return in Opposition to Appellant's Motion for Reconsideration** in the above referenced matter. Please file the original and return a clocked-in copy to me in the enclosed envelope.

By copy of this letter, I am serving copies on the *pro se* Appellant.

Thank you for your assistance in this matter.

Sincerely,

DAVIDSON & LINDEMANN, P.A.



Andrew F. Lindemann

AFL/jmb  
Enclosures

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AUG 07 2014

SC Court of Appeals

The Honorable Jenny Abbott Kitchings  
August 5, 2014  
Page Two

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cc: (w/ Enclosure)

Ms. Karen Oliver  
1945 Ghana Street  
Johns Island, South Carolina 29455

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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

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Case No. 2012-CP-10-8135

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Karen Oliver, ..... Appellant,

v.

Amanda Lawrence and Trident United Way, ..... Respondents.

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**RETURN IN OPPOSITION TO APPELLANT'S  
MOTION FOR RECONSIDERATION**

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**SC Court of Appeals**

The Appellant Karen Oliver has filed a motion for reconsideration of the Order filed July 8, 2014, which administratively dismissed the Appellant's appeal for failing to respond to the Court's letter dated June 18, 2014, which sought to ascertain the status of the hearing transcript. The Respondents Amanda Lawrence and Trident United Way oppose that motion.<sup>1</sup>

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<sup>1</sup> The undersigned counsel for the Respondents was not served with a copy of the Appellant's motion. In fact, the Clerk of Court sent a letter dated July 25, 2014, advising the

In her motion, the Appellant asks the Court to reinstate her appeal because of "extenuating circumstances involving her health following a car accident." She claims to have "experienced a set back last month." The Appellant, however, has not offered an affidavit nor any other evidence to support her excuse or any "extenuating circumstances." She has not submitted an affidavit or any other information as to when the accident occurred, her condition as a result, or how her condition prevented her from responding to the Court's June 18, 2014 letter. She has likewise not provided any excuse or other information from any treating physician. Obviously, her condition did not prevent her from being able to file the present motion.

The Appellant has quite simply not been diligent in her prosecution of this appeal, and in particular, in obtaining the transcript from the court reporter. The previously undisclosed car accident has not prevented that. The Appellant claims to have made timely attempts to obtain the transcript; however, she does not support that bald claim with any evidence. She simply claims that the court reporter does not respond to her, which is an absolute falsehood.

By way of a chronology, the Appellant served her Notice of Appeal on November 23, 2013. By letter dated November 30, 2013, the Appellant requested

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Appellant that her motion was deficient because she had not filed a proof of service. The undersigned did not learn of the motion until receipt of the Clerk's letter on July 28, 2014. The undersigned then obtained a copy of the motion on-line using the South Carolina Appellate Case Management System. Although the Appellants have not yet responded to the Clerk's letter and corrected the deficiencies, the Respondents are submitting this return.

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,<sup>2</sup> advising only of the name of the court reporter. No further information was provided. The Appellant at no point indicated in those letters that she had made payment for the transcript as required by the court reporter.

Importantly, 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 addressed to the Appellant. There is no indication that that letter was not received by the Appellant. The letter reflects it was sent to the correct street address of 1945 Ghana Street.<sup>3</sup>

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<sup>2</sup> The envelope was postdated April 5, 2014.

<sup>3</sup> Quite apart from correspondence from the Court or the court reporter, the Appellant states in her motion that she has not received a copy of the Respondents' Motion to

The Appellant has never informed this Court that she has paid for the transcript or made appropriate arrangements to pay for the transcript. In the *four months* since the Appellant sent a letter to the Court advising of the name of the court reporter, the Appellant has made no effort to follow up with the Court, Court Administration or the court reporter. Specifically, the Appellant has not provided the Court or Court Administration with any correspondence between herself and the court reporter confirming that payment has been made for the transcript.<sup>4</sup>

Moreover, the Respondents' counsel has also still 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.

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Dismiss Appeal dated June 6, 2014. It appears that that motion and a previously filed Notice of Appearance were mailed to an incorrect street address – 1975 Ghana Street rather than 1945 Ghana Street. The Respondents' counsel regrets that error and does not know the origin of the incorrect address that was used. Nonetheless, no mail previously sent to the Appellant at the 1975 Ghana Street address has been returned to sender. Based upon information obtained from the Charleston County, Ghana Street is a short street with 21 residences and addresses ranging from 1902 Ghana Street through 1951 Ghana Street. In addition, a search using the United States Postal Service website confirms that there is no 1975 Ghana Street. For that address, the Postal Service reports: "The address you provided is not recognized by the US Postal Service as an address we serve." See attached exhibits. Thus, it is likely that the Appellant did receive the mis-addressed mail from the Respondents' counsel. At any rate, the Appellant never disputes receiving the letter dated June 18, 2014 from the Clerk of Court, which was mailed to the correct address, and the Appellant never responded to that letter, thus precipitating the Order of Dismissal filed July 8, 2014.

<sup>4</sup> 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.

In sum, the Appellant has not shown that the deficiency that led to the dismissal of her appeal has been corrected – she has not shown that she has made payment for the transcript and taken the proper steps to obtain the transcript. She claims that the court reporter has not responded to her. But, the April 9, 2014 letter, which is filed with the Court and available on-line as well, shows that to be untrue.

Because of the Appellant's continued 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 transcript in a timely manner, the Respondents respectfully request that the Court deny the Appellant's current motion for reconsideration and allow the dismissal of the appeal to stand.

Respectfully submitted,

DAVIDSON & LINDEMANN, P.A.

BY: 

ANDREW F. LINDEMANN  
1611 Devonshire Drive  
Post Office Box 8568  
Columbia, South Carolina 29202  
(803) 806-8222

*Counsel for Respondents  
Amanda Lawrence and Trident United Way*

Columbia, South Carolina

August 5, 2014



# Charleston County

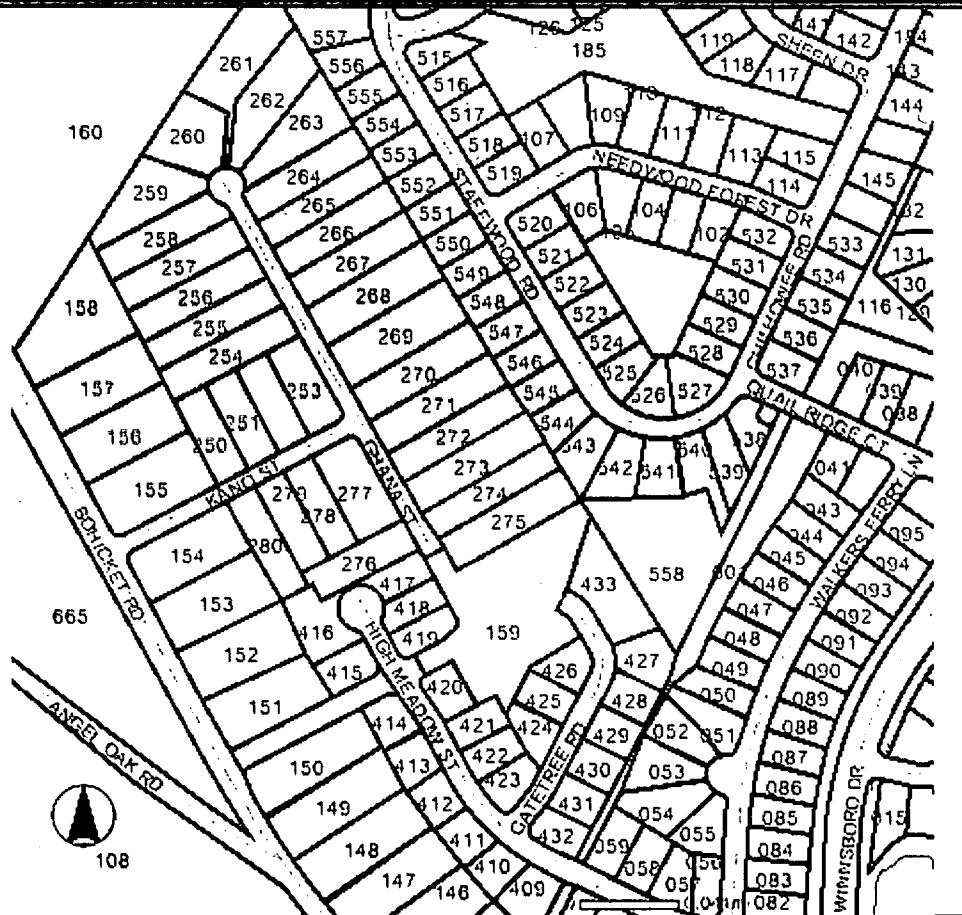
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April 7, 2014

Karen Oliver  
1945 Ghana Street  
Johns Island, SC 29455  
(843) 485-8065

Re: Amanda Lawrence and Trident United Way et al vs. Karen Oliver. Case No. 2012-CP-10-8135

Dear Ms. Oliver,

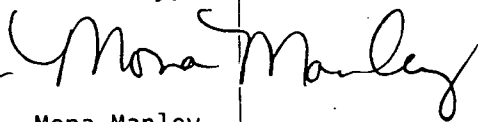
I have tried reaching you at your phone number provided in order to have direct communication but have been unable to get ahold of you, so I am writing to let you know that according to my records I have not received payment for the transcript of the hearing held in the above case.

If you have submitted payment and the same has been processed through your bank, please send me a copy of such documentation and I will re-mail the transcript to you at no additional charge. If you have not made payment please note that the transcript is not considered ordered until payment is received by the reporter.

Payment for this 15-page transcript would be a total of \$48.75. If you would like, this may be taken care of via email to the address below so that the preparation can be expedited.

Thanks for your understanding of our process. I look forward to working with you in order to get this transcript to you in the most expeditious manner possible. Please feel free to call or contact me via email at your convenience.

Sincerely,



Mona Manley  
Official Court Reporter  
91 Trask Farm Road  
Beaufort, SC 29906  
(850) 893-6662  
mmanley@sccourts.org

cc: Court Administration  
alindemann@dmi-law.com  
cfargnoli@clawsonandstaubes.com

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APR 09 2014

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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

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Case No. 2012-CP-10-8135

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Karen Oliver, ..... Appellant,

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Amanda Lawrence and Trident United Way, ..... Respondents.

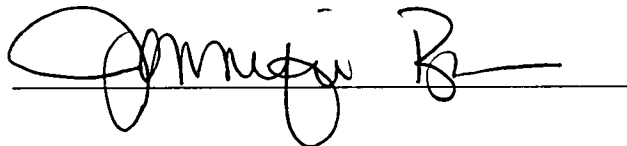
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**CERTIFICATE OF SERVICE**

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The undersigned employee of Davidson & Lindemann, P.A., counsel for the Respondents, does hereby certify that service of the **Return in Opposition to Appellant's Motion for Reconsideration** in the above-captioned matter was made upon the *pro se* Appellant by placing a copy in the United States Mail, first class postage prepaid, at the below listed address clearly indicated on said envelope this the 5th day of August 2014:

Ms. Karen Oliver  
1945 Ghana Street  
Johns Island, South Carolina 29455



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