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September 5, 2014

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SEP 08 2014

SC Court of Appeals

The Honorable Jenny Abbott Kitchings
Clerk of the South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211-1629

**Subject: Carl Eugene Berry, Jr., vs. Jess T. Reichardt and Thomas H. Reichardt
Case No.: 2014-001588**

Dear Ms. Kitchings:

Thank you for the listing of the requirements for Transcript Ordering and Initial Brief submittal, that was contained in your August 29, 2014 letter.

I will serve the Appellants' Initial Brief today, and I believe compliance with the filing deadlines of Rule 207 is intact, there was a deviation in communications:

The Notice of Appeal was served on 7/19/2014. On 7/28/2014, I informed the Court Reporter, Joy Holston, that I wished to order the transcript. Ms. Holston replied on 7/29 that she would prepare the transcript, send it to me, and provide cost details, (copy of applicable emails are attached). I believe this is suitable evidence that the transcript ordering occurred during the required 10 days.

On July 29, 2014, Ms. Holston provided her Invoice for \$175.50, and the payment was mailed to Ms. Holston on August 1, 2014, (email copies enclosed).

The transcript arrived by USPS, with Tracking # 9114901159818969749720. The enclosed copy of tracking information shows delivery occurred August 6, 2014.

Rule 207 (a)(1) requires the Appellant to "contemporaneously furnish all counsel of record, the Office of Court Administration, and the Clerk of the Appellate Court with copies of all correspondence with the Court Reporter."

I overlooked the "contemporaneous" requirement and hereby present my Motion (enclosed) for the Court's acceptance of the enclosed Appellant/Recorder communication copies and the acceptance of the Initial Brief, which will be served today.

Should you have any questions concerning the above, please contact me, and thank you for your consideration of my Motion.

Sincerely yours,



Philip H. Woolhiser

SC Bar # 12466

PW/mw

Enclosures as stated.

cc: South Carolina Office of Court Administration
cc: Austin & Rogers, P.A.
Attn: Richard L. Whitt, Esquire

P.S.: In furtherance of the compliance with the requirement of disclosing Appellant/Recorder communications, I have enclosed an exchange questioning Transcript Page 20, Line 17.