

**Philip H. Woolhiser, Attorney at Law**

**112 Trafalgar St. SW  
Aiken, SC 29801-3744**

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September 5, 2014

**RECEIVED**

SEP 8 2014

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

**SC Court of Appeals**

**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.

**RECEIVED**

SEP 08 2014

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM SALUDA COUNTY  
Court of Common Pleas

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Appellate Case No. 2014-001588

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Carl Eugene Berry, ..... Respondent,

v.

Jess T. Reichardt and Thomas H. Reichardt, ..... Appellants.

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MOTION OF APPELLANTS

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Background: 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."

Appellants hereby ask the Court to forgive the Appellants' lateness in providing a record of Recorder Communications and to accept the Initial Brief of the Appellants as being in accord with the time schedule set forth in Rule 207.



Philip H. Woolhiser  
Attorney for Appellants  
112 Trafalgar St., SW  
Aiken, South Carolina  
SC Bar #12466

-----Original Message-----

From: Holston, Joy E. [mailto:JHolston@sccourts.org]  
Sent: Monday, September 1, 2014 7:40 PM  
To: Phil Woolhiser  
Subject: RE: Saluda Hearing on 6/16/2014

Mr. Woolhiser,

You have asked for me to check my records on page 20, line 17. "timber on my land came out to I personally met both".

I have checked my records and this is exactly what Mr. Berry said on the record. He is reading from his statement. It seems to me there could be a comma after to.

But when Mr. Berry is reading his statement, the way he sounds there would not be a comma there.

If there is anything else I can help you with please feel free to contact me.

Thank you,

Joy Holston

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From: Phil Woolhiser [woolhiser@bellsouth.net]  
Sent: Monday, September 1, 2014 9:11 AM  
To: Holston, Joy E.  
Cc: 'Phil Woolhiser'  
Subject: RE: Saluda Hearing on 6/16/2014

Happy Labor Day Joy,

Would you please review your record as it relates to page 20, Line 17 of the transcript? The line reads:"timber on my land came out to I personally met both"

There seems to be some missing words, and this particular testimony is critical to our brief.

Thanks for the help,  
Phil Woolhiser  
803-648-9994

English

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August 5, 2014 , 6:19 pm	Arrived at USPS Facility	COLUMBIA, SC 29201
August 5, 2014 , 4:54 pm	Departed Post Office	NEWBERRY, SC 29108

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August 1 , 2014

Reference: Berry v. Reichardt #2013-CP-41-0091

The check will be in today's mail. Tks, Phil Woolhiser

-----Original Message-----

From: Holston, Joy E. [mailto:[JHolston@sccourts.org](mailto:JHolston@sccourts.org)]  
Sent: Tuesday, July 29, 2014 8:58 PM  
To: Phil Woolhiser  
Subject: RE: Saluda Hearing on 6/16/2014

Mr. Woolhiser,

The cost of the transcript is \$175.50, (54 pages @ \$3.25 per page). **My address is 118 Sandy Beach Drive, Prosperity, S.C. 29127.** If you will please send payment and I will mail you your transcript.

Thank you so much,

Joy Holston

From: Holston, Joy E. [mailto:JHolston@sccourts.org]  
Sent: Tuesday, July 29, 2014 3:05 PM  
To: Phil Woolhiser  
Subject: RE: Saluda Hearing on 6/16/2014

Mr. Woolhiser,  
I will work on this transcript for you this week and send it to you. I'll let you know the cost of the transcript.

Thank you,

Joy Holston

-----Original Message-----

From: Holston, Joy E. [mailto:JHolston@sccourts.org]  
Sent: Monday, July 28, 2014 2:01 PM  
To: Phil Woolhiser  
Subject: RE: Saluda Hearing on 6/16/2014

Mr. Woolhiser,

I have received your request for the transcript on Berry v. Reichardt. Can you please give me the date of this case and the Judge presiding?

Thank you!!  
Joy Holston

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From: Phil Woolhiser [woolhiser@bellsouth.net]  
Sent: Monday, July 28, 2014 12:51 PM  
To: Holston, Joy E.  
Cc: woolhiser@bellsouth.net  
Subject: Saluda Hearing on 6/16/2014

Dear Ms. Holston,  
I believe that you performed the reporter duties for the Circuit Court Case: Berry v. Reichardt #2013-CP-41-0091

Jess T. Reichardt has filed and served a "Notice of Appeal" and is now in the 10-day period allowed for ordering a transcript of the Hearing.

As the attorney for Mr. Reichardt, I would like to order the transcript from you at this time.

Can you send me a reply email confirming order placement?

Thank you,

Phil Woolhiser

PHIL WOOLHISER  
ATTORNEY AT LAW  
112 TRAFALGAR ST., SW  
AIKEN, SC 29801

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