

August 29, 2014

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SC Court of Appeals

RE. *The Winthrop University Trustees for the State of South Carolina v
Pickens Roofing and Sheet Metals, Inc.*
Civil Action No. 2012-CP-46-3151
Appellate Case No. 2014-000821
A&R File No. 050434-000018

Dear Ms. Butler:

Pursuant to Rule 607(i) of the *South Carolina Appellate Court Rules*, Appellant Pickens Roofing and Sheet Metals, Inc. seeks to challenge the accuracy of the trial transcript in the above-referenced case, which was received from you on August 25, 2014. We respectfully request that you review the record in its entirety for typographical and substantive errors and report your findings in writing as required by the South Carolina Court Reporter Manual XIII(C).

We have identified numerous instances of typographical errors that materially change the substance of the testimony. For example:

- "renovation" appears as "revocation" (Tr. Transcript p. 426, lines 1, 2, p. 486, line 3, p. 583, lines 16, 18);
- "hoisted" appears as "high schooled" (Tr. Transcript p. 506, line 19),
- "input" appears as "impute" (Tr. Transcript p. 462, line 3; p. 523, line 1; p. 546, line 7);
- "violations" of the law appears as "violent" or "violents" of the law (Tr. Transcript p. 89, line 17; p. 99, lines 2 and 3; p. 101, line 18; p. 123, line 12; p. 475, line 16; p. 693, line 19),
- references to the jury panel appear as the "injury panel" (Tr. Transcript p. 23, line 23; p. 37, line 13);
- "operation" appears as "generation" (Tr. Transcript p. 161, line 20)
- "'owned" appears as "owed" (Tr. Transcript p. 161, line 21)

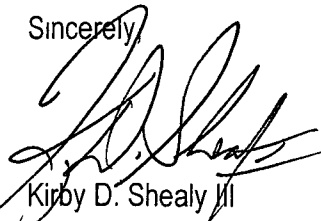
To further illustrate the problems that the transcript presents, we would draw your attention to the deposition of Vu Nguyen, a witness who was unavailable to testify during the trial. His deposition transcript was read into the record by Winthrop's counsel, Zachary Jett, and marked as a court's exhibit. The transcription of his deposition testimony that is contained within the trial transcript contains the following inaccuracies:

- “And to accurate [sic] sees [sic] that wall you had to get up and over . . . a parapet wall ” See Tr. Transcript at p. 538, lines 8-10 The deposition transcript correctly reads. “And to access that wall, you had to get up and over a parapet wall ” See Depo. Transcript at p. 44, lines 17-19
- “To pie [sic] eyes this is the -- this is is [sic] what issued to the world?” See Tr. Transcript at p. 555, lines 18-19. The deposition transcript correctly reads: “To my eyes, this is the -- this is what’s issued to the world ” See Depo. Transcript at p. 67, lines 2-3.
- “Now, I will con fees [sic] to you that what I have not seen in these materials is any kind of record of the pre-construction conference?” See Tr. Transcript at p. 562, lines 6-8 The deposition transcript correctly reads: “Now, I will confess to you that” See Depo. Transcript p. 74, lines 11-13.

This is by no means an exhaustive list. There are many other instances where testimony appears to be mistranscribed in more subtle ways that render portions of the transcript incomprehensible. For example, “Two who is the in/SPEPGS report mailed?” (Tr. Transcript at p 566, lines 14-15) should probably read: “To whom is the inspection report mailed? Other errors do not affect the substance of the testimony, but they should nonetheless be corrected. For instance, “Pickens” is spelled “Pickins” or “Picking” or “Pickings” throughout the transcript.

Based on the foregoing errors, we would ask that the transcript be reviewed in its entirety and corrected. Thank you for your attention to this matter.

Sincerely,



Kirby D. Shealy III

KDSIII/LRZ/ltd

cc: Peter W. Vogt, Esq. and Zachary Jett, Esq., Counsel for Respondent
South Carolina Court Administration (attention: Desiree Allen, Manager, Court Reporting and Court Interpreters)
Clerk of Court for the South Carolina Court of Appeals

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SC Court of Appeals

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