

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

RECEIVED

SEP 17 2014

APPEAL FROM ANDERSON COUNTY
In The Circuit Court

SC Court of Appeals

Frank R. Addy, Jr., Circuit Court Judge

M3559

C.A. No.: 2013-CP-04-2415

Sharon Homer-Drummond and other similarly situated residents of Anderson County

Plaintiff/Appellant

v.

Anderson County School District Five

Defendant/Respondent

PETITION TO REINSTATE APPEAL

The undersigned attorney, on behalf of the Appellants, petitions this Court to reinstate Appellant's appeal for good cause shown pursuant to the South Carolina Rules of Appellate Procedure, Rule 231(a).

As grounds for the reinstatement Appellant contends that she received the Court's letter of June 17, 2014, on June 20, 2014 and prepared and sent the requested letter on June 24, 2014. Thereafter, on July 1, 2014, the undersigned received a phone message that "the Homer-Drummond transcript would be delivered shortly." (See Exhibits A and B, attached hereto).

The undersigned's daughter was in a head on collision in Charleston on July 13, 2014 and was hospitalized at MUSC from July 13, 2014 through July 21, 2014. (Exhibit

C). Since July 13, 2014, the undersigned has been back and forth to Charleston numerous times caring for her daughter and trying to assist her daughter with the ramifications of the accident. The undersigned had an all day hearing with the Court reporter August 27, 2014. On that date, the undersigned realized that she still hadn't received the transcript from the Homer-Drummond hearing. The Court Reporter explained she had been on medical leave through July and that the request must have fallen through the cracks. She asked that the undersigned re-send the request, which she did the next day. **(Exhibit O)**

Accordingly, the undersigned, on behalf of Appellant, respectfully requests that this Court reinstate Appellant's appeal for good cause shown.

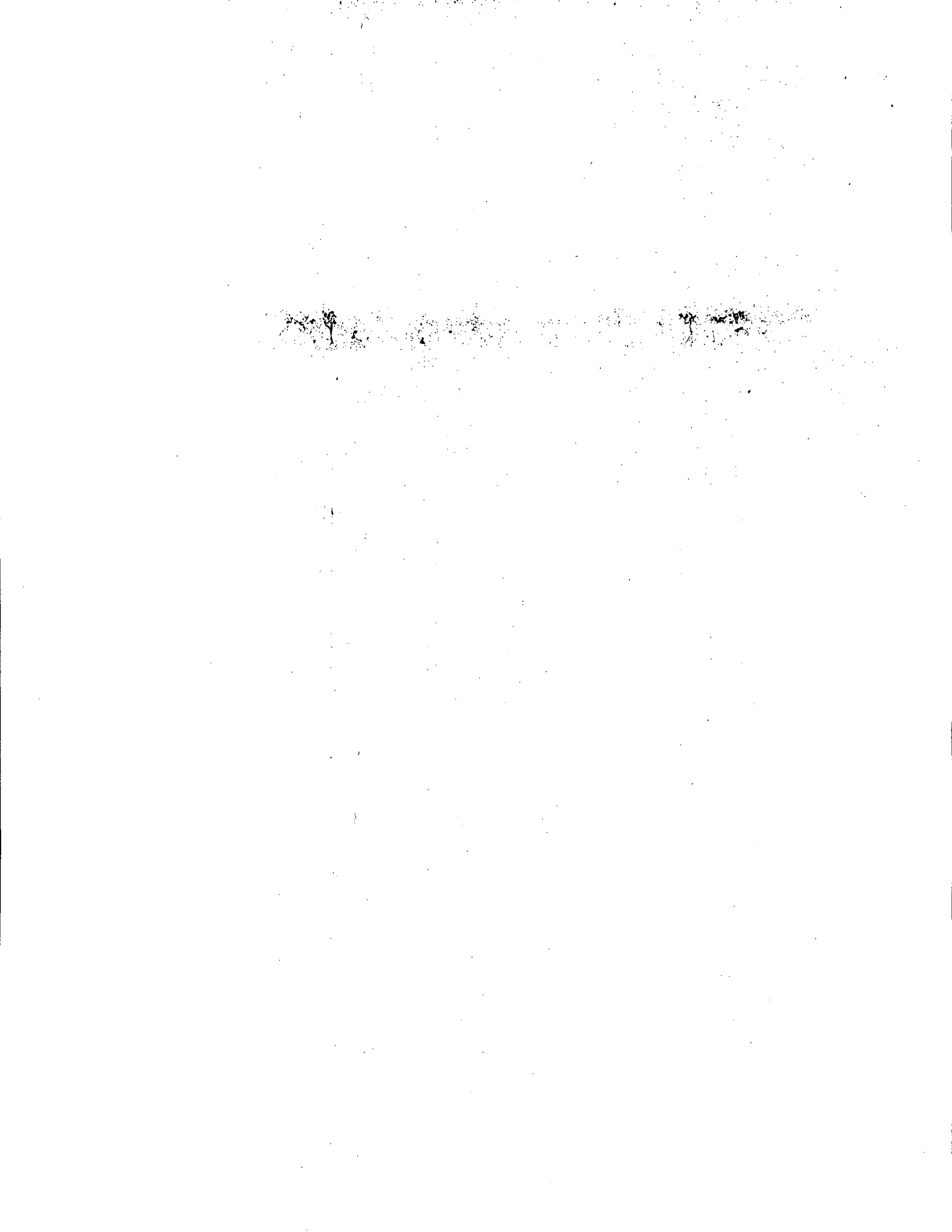


Candy Kern-Fuller (SC Bar No. 11392)
Upstate Law Group, LLC
200 East Main Street
Easley, South Carolina 29640
(864) 855-3114
(864) 855-3446 (Facsimile)
Candy@UpstateLawGroup.com

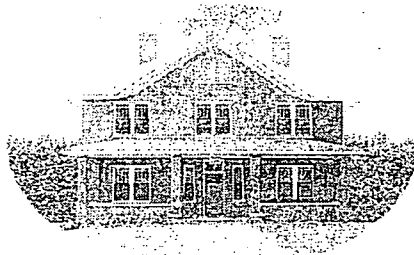
September 16, 2014

Attorney for Appellant

EXHIBIT A



The Wyatt House



UPSTATE LAW GROUP, L.L.C.
ATTORNEYS AND COUNSELORS AT LAW

Candy M. Kern-Fuller, Managing Member
Candy@upstatelawgroup.com

Howard E. Sutter, III, Esq., Member
Trey@upstatelawgroup.com

June 24, 2014

Court Administration
1015 Sumter Street, Suite 200
Columbia, South Carolina 29201-3739

Re: Homer-Drummond v. ACSD5
Case Number: 2013-CP-04-2415

To Whom It May Concern:

Pursuant to the Court of Appeals' Clerk's letter of June 17, 2014, and SCRAP 207, I am advising you that I have not received the transcript in this matter pursuant to my attached request of April 4, 2014 for a hearing in the above referenced case that occurred on February 24, 2014 before the Honorable Frank R. Addy, Jr.

Sincerely,

Candy M. Kern-Fuller, Esq.

cc: Hon. Jenny Abbott Kitchings, Clerk of Court
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Ms. Vivian H. Cross
Post Office Box 704
Belton, SC 29627

Mr. David Duff, Esq. and Mr. Joseph Bias, Esq.
Duff, White & Turner
PO Box 1486

200 EAST MAIN STREET
EASLEY, SOUTH CAROLINA • 29640
PHONE: 864-855-3114 • FAX: 864-855-3446

Columbia SC 29202

The Wyatt House



UPSTATE LAW GROUP, L.L.C.
ATTORNEYS AND COUNSELORS AT LAW

Candy M. Kern-Fuller, Managing Member
Candy@upstatelawgroup.com

Howard E. Sutter, III, Esq., Member
Trey@upstatelawgroup.com

April 4, 2014

Ms. Vivian H. Cross
Post Office Box 704
Belton, SC 29627

Re: Homer-Drummond v. ACSD5
Case Number: 2013-CP-04-2415

Dear Ms. Cross:

Please accept this letter as our request for the transcript from the hearing in the above referenced case that occurred on February 24, 2014 before the Honorable Frank R. Addy, Jr.

Sincerely,

Candy M. Kern-Fuller, Esq.

cc: Hon. Jenny Abbott Kitchings, Clerk of Court
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Mr. David Duff, Esq. and Mr. Joseph Bias, Esq.
Duff, White & Turner
PO Box 1486
Columbia SC 29202

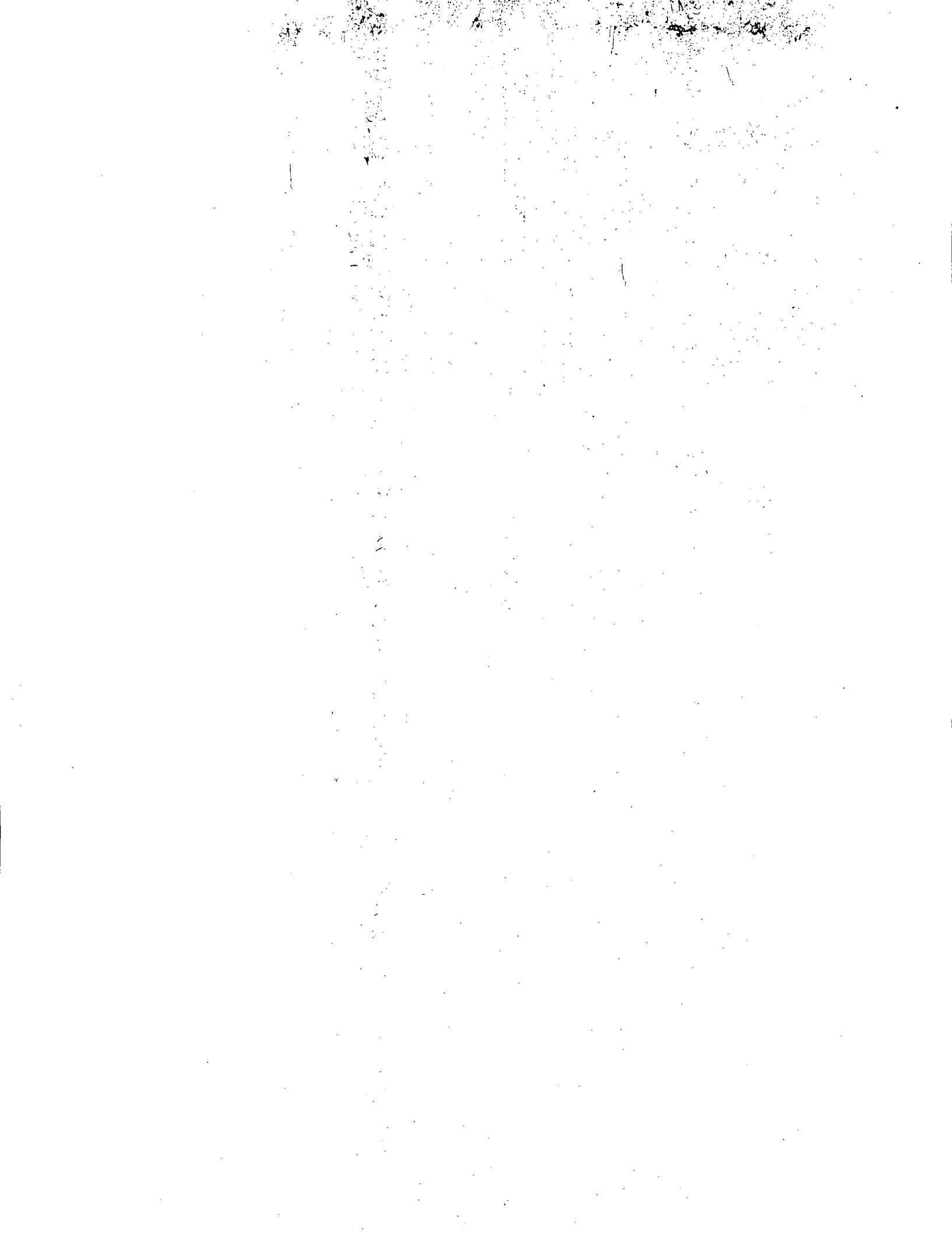


EXHIBIT B

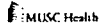
From: Jennifer Gregg [mailto:jennifer@upstatelawgroup.com]
Sent: Tuesday, July 1, 2014 10:31 AM
To: candy@upstatelawgroup.com
Subject: Message on Homer-Drummond

A woman called this morning and said that your Homer-Drummond transcript will be delivered shortly. I'm sorry but I didn't catch her name.

Thanks,
Jennifer Gregg
Administrative Assistant
Upstate Law Group, LLC
jennifer@upstatelawgroup.com
(864) 855-3114
(864) 855-3446 (fax)

CONFIDENTIALITY NOTE: THIS EMAIL WAS SENT FROM A LAW FIRM. IT MAY CONTAIN PRIVILEGED OR CONFIDENTIAL INFORMATION AND IS INTENDED SOLELY FOR THE USE OF THE PERSON(S) NAMED ABOVE OR THE PERSON(S) WHO IS THE INTENDED RECIPIENT OF THE MESSAGE. IF YOU ARE NOT AN INTENDED RECIPIENT OF THIS EMAIL, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION OR DUPLICATION OF THIS E-MAIL IS PROHIBITED AND THAT THERE SHALL BE NO WAIVER OF ANY PRIVILEGE OR CONFIDENCE BY YOUR RECEIPT OF THIS TRANSMISSION. IF YOU HAVE RECEIVED THIS E-MAIL IN ERROR, PLEASE NOTIFY US BY COLLECT TELEPHONE CALL OR FAX TO THE NUMBER INDICATED ABOVE.

EXHIBIT C



Medical University of South Carolina

**169 Ashley Ave., Charleston, S.C.
29425**

Lauren Grantham

Summary of your Hospitalization

About your hospitalization

You were admitted on: July 13, 2014

You last received care in the: U10W
ORTHOPEDICS

You were discharged on: July 21, 2014

Unit phone number: 843-792-1980

Why you were hospitalized

Your primary diagnosis was: Small Bowel Perforation

Your diagnoses also included: Laceration Of Mesentery, Descending Colon Injury, Burst Fracture Of Lumbar Vertebra, Traumatic Fracture Of Tooth, Acute Blood Loss Anemia, Acute Pain Due To Trauma, Acute Respiratory Failure Following Trauma And Surgery, Hypokalemia, Mandible Fracture, Contusion Of Right Lung, L2 Vertebral Fracture, Fever, Anemia Associated With Acute Blood Loss

Physicians who cared for you during your hospitalization

Provider	Service	Role
E. Douglas Norcross, MD	SUR-GEN.SURGERY	Attending Provider

Immunizations Administered for This Admission

DT	7/13/2014
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You are allergic to the following

Date Reviewed: 7/21/2014

Allergen	Reactions
Biaxin (Clarithromycin)	Not Noted
Erythromycin	Not Noted
Omnicef (Cefdinir)	Not Noted

Order	Current Status
SURGICAL PATHOLOGY ROUTINE EXAM	Collected (07/13/14 0240)
SURGICAL PATHOLOGY ROUTINE EXAM	Collected (07/13/14 0315)
SURGICAL PATHOLOGY ROUTINE EXAM	Collected (07/13/14 0323)
MRSA SURVEILLANCE CULTURE	In process
VRE SURVEILLANCE CULTURE	In process
BLOOD CULTURE	Preliminary result
BLOOD CULTURE	Preliminary result

Medications

Based on the information you provided to us as well as any changes during this visit, the following is your updated medication list. Compare this with your prescription bottles at home. If you have any questions or concerns, contact your primary care physician's office.

EXHIBIT D

Candy Kern-Fuller

From: Candy Kern-Fuller <candy@upstatelawgroup.com>
Sent: Thursday, August 28, 2014 2:50 PM
To: 'Cross, Vivian'
Cc: paralegal@upstatelawgroup.com
Subject: RE: Transcript request
Attachments: Request for Transcript 4-4-2014.doc

Tracking:	Recipient	Read
	'Cross, Vivian'	
	paralegal@upstatelawgroup.com	
	Susan Lockwood	Read: 8/28/2014 4:05 PM
	Bill McAbee	Read: 8/29/2014 9:09 AM

Sorry, Vivian. I was so tired when I got home last night that I forgot to send it. Here it is. Let me know if you require anything else.

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

From: Cross, Vivian [<mailto:VCross@sccourts.org>]
Sent: Thursday, August 28, 2014 1:52 PM
To: candy@upstatelawgroup.com
Subject: Transcript request

Hello -

Just wanted to let you know nothing has come to my email with regard to the transcript we were discussing in Court.

Viv

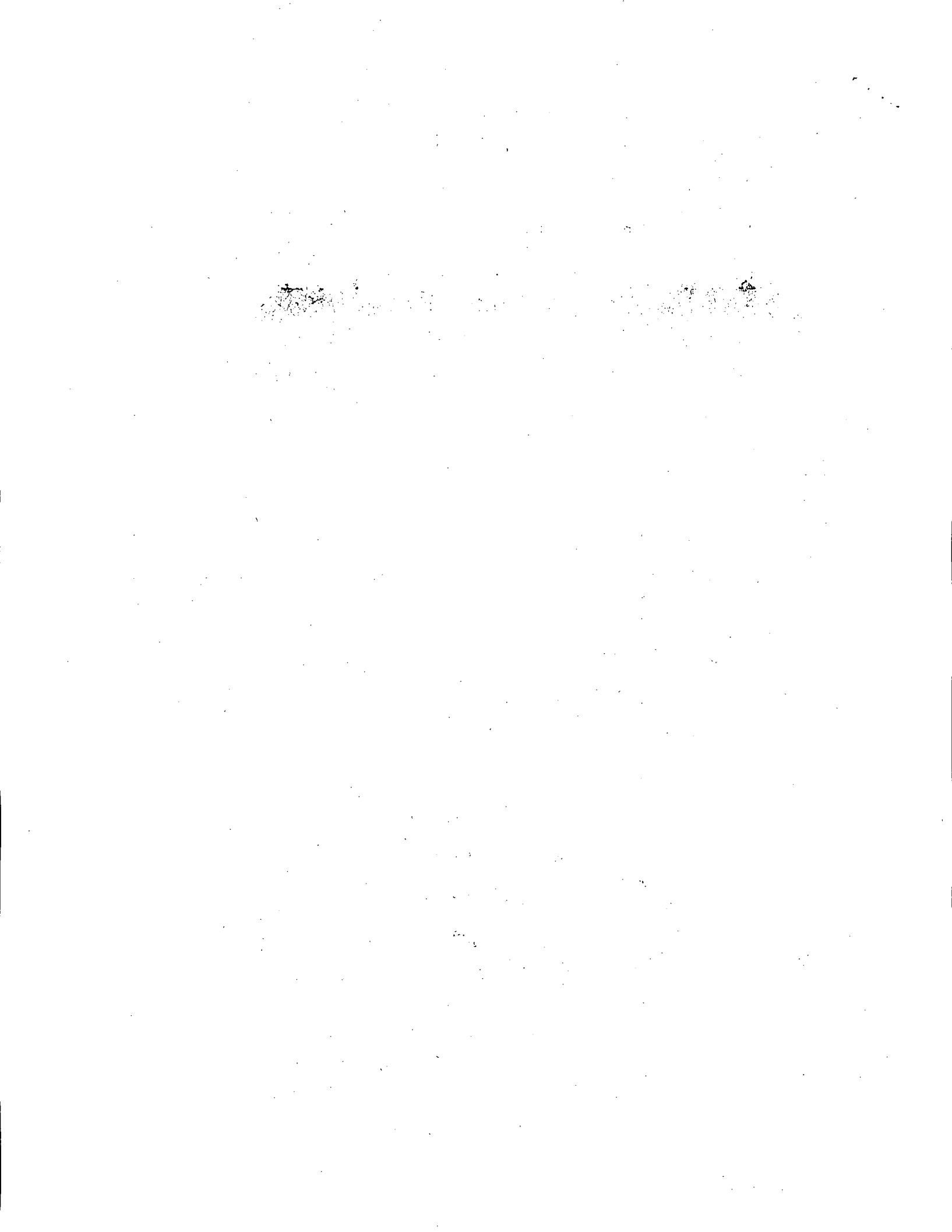
Vivian H Cross, Ct. Rptr.

10th Circuit at Large

P O Box 704

Belton, SC 29627

~~~~ CONFIDENTIALITY NOTICE ~~~~ This message is intended only for the addressee and may contain information that is confidential. If you are not the intended recipient, do not read, copy, retain, or disseminate this message or any attachment. If you have received this message in error, please contact the sender immediately and delete all copies of the message and any attachments.



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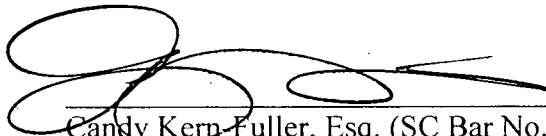
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**PROOF OF SERVICE**

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I certify that I have served the Petition to Reinstate Appeal on Defendant/Respondent Anderson County School District Five, by depositing a copy of it in an envelope via the United States Mail, with proper postage affixed thereto, on September 16, 2014 addressed to its attorney of record, David Duff, Esq., **Duff, White & Turner**, PO Box 1486 Columbia SC 29202.

and that I have served an original and six copies of the same via hand delivery to the Court of Appeals on September 17, 2014.



Candy Kern Fuller, Esq. (SC Bar No. 11392)

**UPSTATE LAW GROUP, LLC**

200 E. Main Street

Easley, SC 29640

(864) 855-3114

(864) 855-3446 (facsimile)

**ATTORNEY FOR APPELLANT**

September 17, 2014

**RECEIVED**

SEP 17 2014

**SC Court of Appeals**