

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

J.C. Nicholson, Jr., Active/Retired Circuit Court Judge

Case No. 2012-CP-10-8135

MOTION

RECEIVED

OCT 20 2014

SC Court of Appeals

Karen Oliver,

Appellant,

v.

Amanda Lawrence and Trident United Way,

Respondents

MOTION

Karen Oliver, Appellant, present this motion to the court for an immediate Injunction – Temporary Injunction to obtain an audio copy, stenographer notes and if available the videotape copy of the proceedings for the aforementioned above case. The Appellant made a request to the Court Reporter under the Freedom of Information Act to gain a copy of the audio or videotape of the proceedings, a copy of this request is enclosed as Attachment 1 The court reporter has refused to provide a copy to the Appellant, a copy of her response is enclosed as Attachment 2. The Appellant is asking for this Temporary Injunction to gain a copy of the audio, stenographer notes and videotape and to prevent any destroying of these materials until a ruling on the appeal has been made. The copy of the transcript received from the court reporter does not contain all

Pg. 2

that took place in court on October 9, 2013. The court reporter states that she took it upon herself to further review her stenographic notes and confirms that it supports the transcript. Possibly, an attempt to prevent the Appellant from going any further. If her interpretation is the only means of gaining a usable transcript then I will suffer irreparable damage. The transcript is supposed to provide an overview of what took place and the omission of particulars are not in keeping with my right to Due Process. An accurate depiction can be surmised from the audio and video recording due to the blatant nature of the omissions from the copy of the transcript that has been received. The Appellant is willing to sit with representatives of the Clerk of Court, Court Administration and the opposing counsels to review the audio and video recordings along with the stenographic notes to prove that the transcript is not reliable. Due to fact that the current counsel for the Respondents, Andrew Lindemann, who was not a participant in those proceedings and is not able to make an informed contribution to this issue a copy of the audio and video recordings provides an equitable field of operation for both sides. To allow the submission of the copy of the transcript received would prejudice the court and cause irreparable damage to the Appellant. The recordings are still available according to the correspondence received from the court administration. Please see Attachment 3

Further, the omissions in the transcript coincide with complaints made to the Commission on Judicial Conduct and a Motion to the Lower Court and is presenting itself as the appearance of collusion as having attempted to take place. So in an effort to preserve the Appellant's Right to Due Process this immediate Injunction request should be granted. Please see a copy of page 1 the submission made to the Commission on Judicial Conduct on the matter labelled as

Attachment 4 along with a copy of the motion as Attachment 5 that was submitted both directly after that particular hearing.

Court Reporter's quality checked version in no way indicates (omits) the vital comments made:

Page Three:

1. Christy Fargnoli: informed Judge Nicholson that the issues to be discuss would not take long. THIS DONE FROM THE PUBLIC GALLERY (viewing area) OF THE COURTROOM WITH THE LEGAL TEAM FOR THE OTHER CASE ON THE DOCKET ALREADY SET UP TO GO IN THE COURTROOM'S WELL
2. Judge Nicholson: Asking the legal teams who were already set up in the courtroom's well if they would allow us to go ahead of them.
3. The response from both legal teams of Case:
4. Judge Nicholson allowing us to come forward from the public gallery (viewing area) to allow the hearing to take place. Otherwise, the entire hearing by the court reporter's version took place in the public gallery (viewing area).

Page Eleven Line 25:

Christy Fargnoli argued for Rule 59g and did not easily give in as stated, she argued further to have a ruling against the then Plaintiff now Appellant.

Page Eight

The Court Reporter omitted Judge Nicholson's refusal to receive the copies of the Filed Exhibits and the refusal to allow the distribution of them to the Respondents' attorney.

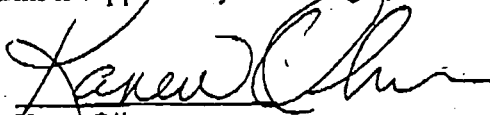
Page 15 Line 5:

The Court Reporter omitted Judge Nicholson's refusal to allow me to speak and the words used to abruptly end the hearing.

A copy of the challenges have been sent to the court reporter, Please see Attachment 6

Notice of this Motion has been provided to the Respondents' attorneys Proof of Service has been submitted with the Motion along with a copy to the S.C. Court Administration.

The Appellant is asking for an extension of the time limit for the submission of the Initial Brief until a response is made by the courts on this motion and the court reporter's response to the challenges of the transcript she confirms is supported by her stenographic notes.



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Johns Island, SC 29455
(843) 485-8065
Pro Se

Other Counsel of Record.
Christy R. Fagnoli
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126 Sevens Farm Drive Suite 200
Charleston, SC 29492-8144
Attorney for Respondents
(843)577-2026

Andrew Lindemann
Davidson & Lindemann, P.A
P O. Box 8568
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(803) 806-8222
Attorneys for Respondents

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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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

Case No. 2012-CP-10-8135

Karen Oliver,

Appellant,

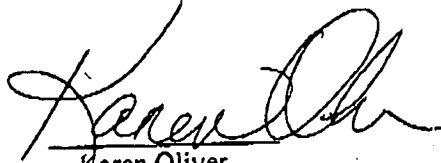
v.

Amanda Lawrence and Trident United Way,

Respondents

MEMORANDUM WITH CITATIONS OF SUPPORT

The Appellant, Karen Oliver, seeks to obtain an audio and video recording of the proceedings referenced beforehand. The Appellant seeks to have an Immediate Injunction – Temporary Injunction to obtain these items to ensure that her Right to Due Process is not compromised. Also, an extension of the time limit for the Initial Brief is being requested since the transcript does not reliably depict what took place in court on that day with challenges to be made. To prevent the destroying of vital court recordings and to not compromise the Appellant's Right to Due Process.



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pg. 2 (Mem)
pg. 6 (total)

cc. Christy Fagnoli
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(843) 577-2026

Andrew Lindemann
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Attorneys for Respondents

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Attachment 1

October 4, 2014

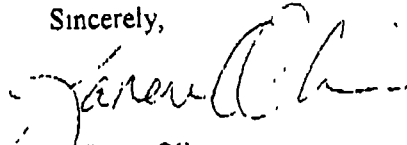
Mona Manley
P O. Box 4516
Beaufort, SC 29906

RE: Case No. 2012-CP-10-8135
Subject. Freedom of Information Act Request

Dear Mona Manley,

I am submitting this request for a copy of the audio recording of the proceedings referenced above. In accordance with the Freedom of Information Act, I was a participant in the proceedings and would like a copy of the recordings. Please provide me with any cost or material needed that are involved and I will be glad to accommodate it. I look forward to receiving your response. Please have a good day

Sincerely,



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

cc. Christy Fagnoli, Clawson and Staubes, LLC
Andrew Lindemann, Davidson & Lindemann P A
S.C. Court Administration
✓ Clerk, Court of Appeals

Attachment 2

Mona Manley, Circuit Court Reporter
South Carolina Judicial Department
P.O. Box 4516
Beaufort, SC 29906-4516
(850) 893-6662

Re: Amanda Lawrence and Trident United Way, Respondent
Karen Oliver, Appellant Case No. 2012-CP-10-08135

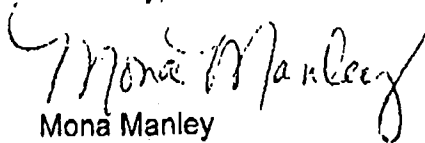
Dear Ms. Oliver,

I have received your letter requesting the audio and/or video of the hearing held on October 9, 2013 before Judge Nicholson. There is no provision for providing either, as the official record is contained in the transcript you have received.

Although you did not question the accuracy of the transcript in your letter I took it upon myself to further review my stenographic notes of the proceeding and have confirmed that it supports the transcript. If further review is requested, you may do so of the presiding judge with good cause shown.

If there are any specific portions of the transcript which you would like me to further review please provide detail of the exact portion, stating page and line number, so that I may address your concerns. I look forward to hearing from you and getting this matter resolved promptly.

Sincerely,



Mona Manley
Circuit Court Reporter

Cc: Desiree R. Allen, Court Reporter Manager

Attachment 3



South Carolina Court Administration
South Carolina Supreme Court
Columbia, South Carolina

ROSALYN FRIERSON
DIRECTOR

1015 SUMNER STREET, SUITE 200
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1800
FAX: (803) 734-0269

September 30, 2014

Ms. Karen Oliver
1945 Ghana St.
Johns Island, SC 2455


Dear Ms. Oliver:

Your letter to Rosalyn Frierson dated September 27, 2014, was forwarded to my office for response. In your letter you are requesting a copy of the audio and videotape of the proceedings. To my knowledge, there is no videotape of the proceedings. With regard to audio, there is no provision for providing an audiotape of the court proceedings. The written transcript is the official record. You have requested that Ms. Manley review the submission because the copy you received of the transcript is not accurate. There is a procedure to challenge the accuracy of the transcript.

That procedure is found in the South Carolina Court Reporter Manual. It reads as follows, "When there is a challenge to the accuracy of a transcript, the court reporter will respond to the challenger in writing. The court reporter will then review the records and report the findings in writing to the challenger, with a copy to all parties and Court Administration. Any inaccuracies will be corrected and the pages forwarded to the challenger at no cost. Further review of the record may be permitted by the presiding judge upon written request with good cause shown. If no challenge is received by the court reporter within the 30-day period the tapes may be reused for destroyed".

Please do not delay in submitting your specific challenge in writing to the court reporter, who will report her findings in writing. By copy to Ms. Manley, I am requesting that she follow the procedure outlined above upon receipt of a letter from you outlining the items that you find to be inaccurate. Thank you for your patience.

Sincerely,


Desiree R. Allen
Court Reporter Manager

CC: Rosalyn Frierson, Director, S.C. Court Administration
Jenny Kitchings, Clerk, S.C. Court of Appeals
Mona Manley, Official Court Reporter

Attachment 4

Karen Oliver
 1945 Ghana Street
 Johns Island, SC 29455
 (843) 485-8065
 October 31, 2013

Office of Judicial Conduct
 1015 Sumter Street Suite 305
 Columbia, SC 29201

Certified Mail. 70092820000410736728

RE. Judge J C Nicholson, Charleston County Court of Common Pleas
 Subject: Rights to Due Process Case: 2012-CP-10-8135

Dear Reviewing Official:

I am submitting this correspondence to request an investigation/review in to the conduct/actions of Judge J.C. Nicholson who recently held a Hearing on October 9, 2013 for a Motion for Reconsideration filed by me, the Plaintiff. To begin, I would like to express that the accommodations in the courtroom were inequitable. I had no place to set up my belongings to present my case. There was already a legal team and their belongings set up in the area that is used by Plaintiff. I was not treated with dignity and the respect provided for the legal team and the case heard afterwards. I was not given equitable accommodations by Judge Nicholson. It was viewed as an intimidation tactic. Even a murderer being sentenced got more equitable accommodations than I on this date. My Rights to Due Process was compromised.

I was not allowed to speak on the other 3 Causes of Action for my case. I was not even allowed to provide a rebuttal. On the 1st Cause of Action I was allowed to speak, then the Defense Attorney, but when I tried to speak again I was not allowed to and Judge J.C. Nicholson abruptly ended the Hearing. I did inform the Court during that time that even if he found Exhibit E to be valid that I still could prove the Breach of Contract and the Defamation of Character and that I had it in black and white with no hearsay. I would refute the contents of Exhibit E. Judge J.C. Nicholson refused to let me continue so I could address the other Causes of Action. My Rights to Due Process was compromised.

Judge J.C. Nicholson would not receive or allow the distribution of the Filed Supplemental Exhibits which is consistent with not allowing me to speak on the other 3 Causes. My Rights to Due Process was compromised.

In the Order signed October 27, 2013 that was seemingly prepared by the Defense Attorney, Judge J.C. Nicholson signed it without full regard for the truth again. The following are excerpts in italics and my response in regular script:

On Page 2 Para 2 it states:

Plaintiff then filed this action on December 18, 2012 (approximately 18 months after the binding arbitration), which contains claims for defamation, breach of contract by fraudulent act, third party beneficiary of contract, and breach of written notice.

Attachment 5

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT

} CASE NO.: 2012-CP-10-8135

} CIVIL MATTER

Karen Oliver

PLAINTIFF

Vs

Amanda Lawrence and Trident United Way et al

6296 Rivers Avenue

North Charleston, SC 29405

DEFENDANT

Motion

Comes now the Plaintiff, at the October 9, 2013 Motion for Reconsideration Hearing with Judge Nicholson the Plaintiff spoke first then the attorney for the Defendants spoke. Judge Nicholson would not allow the Plaintiff to speak again. The Plaintiff was not finished with her full presentation. He informed everyone that he was finished. The Plaintiff was not allowed to provide a rebuttal or to complete her presentation for the other three Causes of Actions. Judge Nicholson would not accept or allow distribution of my Filed Supplemental Exhibits. Now this comes after the Plaintiff informed Judge Nicholson that even if Exhibit E was found valid that I (the Plaintiff) still could prove the Breach of Contract and Defamation of Character (within the statutes) and refute the contents of Exhibit E all in black and white with no hearsay. Judge Nicholson's actions denied the Plaintiff's Rights to Due Process.

Next Judge Nicholson should have allowed for equitable use of the courtroom. The Plaintiff was not provided with the same accommodations as the legal team for the case that was heard afterwards. All of their items were already set up and there was no room for the Plaintiff's items on the table. There was no clear place for the Plaintiff to set up her paperwork and other belongings. The accommodations should have been equitable for the Plaintiff

Attachment 6

October 16, 2014

Mona Manley
P.O. Box 4516
Beaufort, SC 29906

RE: Case No 2012-CP-10-8135

Subject: Second Request via Freedom of Information Act and Challenges to Transcript

Dear Mona Manley,

I am submitting a second request for a copy of the audio and video recording and now to include any stenographer's notes of the proceeding referenced above. In accordance with the Freedom of Information Act I have a right to receive a copy of the audio and video recordings along with any stenographer's notes. To avoid the appearance that any form of collusion has taken place along with preserving my Rights to Due Process.

Specific Challenges:

Page Three Lines 1-16 took place in the public gallery as the judge spoke from the bench. The legal team for the case that was held on the same date was already seated and had their paperwork and visual aids set up. Your depiction omits some very vital information that has already been recorded in another format (complaint and Motion).

Page Three:

- 5 Christy Fagnoli. informed Judge Nicholson that the issues to be discuss would not take long THIS DONE FROM THE PUBLIC GALLERY (viewing area) OF THE COURTROOM WITH THE LEGAL TEAM FOR THE OTHER CASE ON THE DOCKET ALREADY SET UP TO GO IN THE COURTROOM'S WELL
- 6 Judge Nicholson: Asking the legal teams who were already set up in the courtroom's well if they would allow us to go ahead of them.
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Page Eight

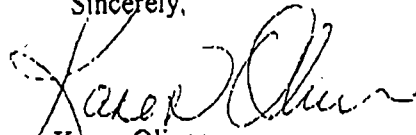
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Page 15 Line 5:

The Court Reporter omitted Judge Nicholson's refusal to allow me to speak and the words used to abruptly ending the hearing.

I look forward to receiving your response to my requests. Again, if there are any cost involved please let me know.

Sincerely,



Karen Oliver

CC.

Court Administration
Clerk of Court
Attorney for Respondents: Lindemann and Fagnoli

IN THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

J.C. Nicholson, Jr., Active/Retired Circuit Court Judge

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Case No. 2012-CP-10-8135

SC Court of Appeals

Karen Oliver,

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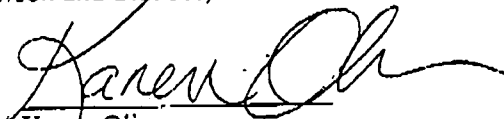
Amanda Lawrence and Trident United Way,

Respondents.

PROOF OF SERVICE

I certify that I served a copy of the Motion for an Immediate Injunction on Mona Manley by depositing a copy of it in the United States Mail, postage prepaid, on October 16, 2014 addressed to their attorney of record, Christy Fagnoli of Clawson and Staubes, LLC 126 Sevens Farms Drive Charleston, SC 29492-8144

October 16, 2014



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

IN THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

J.C. Nicholson, Jr., Active/Retired Circuit Court Judge

Case No. 2012-CP-10-8135

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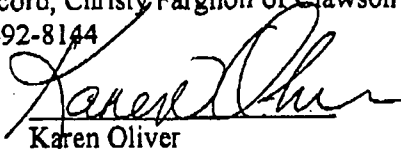
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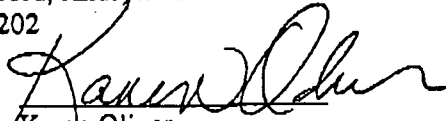
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October 16, 2014



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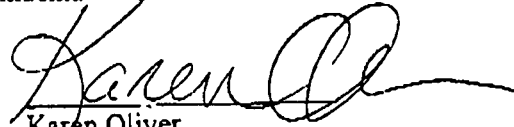
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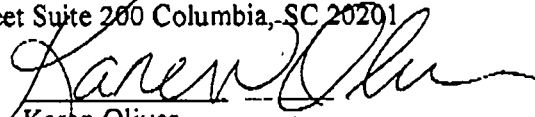
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SC Court of Appeals

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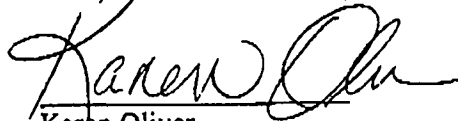
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October 16, 2014



Karen Oliver
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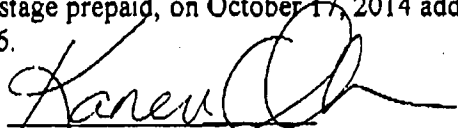
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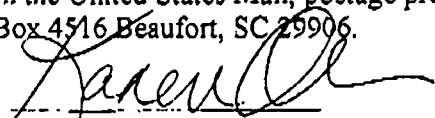
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SC Court of Appeals

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
P O. Box 11629
Columbia, South Carolina 29211

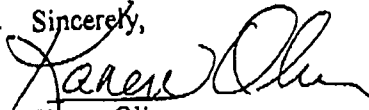
RE: Karen Oliver, Appellant, v. Amanda Lawrence and Trident United Way, Respondents.
Appellate Case No. 2013-002587

Dear Ms. Kitchings:

Enclosed for filing is a Motion for an Immediate Injunction. Also enclosed are the following

- (1) Proof of service of to the known counsel for the respondents
- (2) The original and other submissions will be mailed in accordance with the rule
- (3) The \$25.00 fee.

Sincerely,



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

cc: Christy Fagnoli
Clawson and Staubes, LLC
126 Sevens Farm Drive Suite 200
Charleston, SC 29492
(843) 577-2026

Andrew Lindemann
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P.O. Box 8568
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Attorneys for Respondents