

THE STATE OF SOUTH CAROLINA

In The Court of Common Pleas

APPEAL FROM CHARLESTON COUNTY

Honorable Kristi Lea Harrington

SCAC Case No.: 2014-00077

Jerome Myers and Gloria Myers

Appellants,

v.

Walter Kaufmann; Kaufmann & Assoc.s
and Joseph Broom

Respondents.

RECEIVED

OCT 28 2014

SC Court of Appeals

73984

A M M E N D E D
PETITION TO REINSTATE THE APPEAL

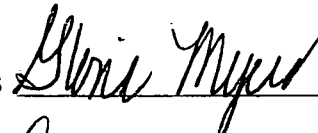
Jerome Myers and Gloria Myers as for relief from the South Carolina Appeals Court Clerk V. Claire Allan, Deputy Clerk's ORDER dated October 8, 2014 and to reinstate this appeal.

The Appellants have provided a long list of request letters seeking the transcript from the Courts Reporter who stated she was on "an extended medical leave" during these recent times. There is attached a copy of the deposit payment of \$107.50 which was dated September 22, 2014 based upon the Appellants' updated notice from the Court Reporter dated on or about September 12, 2014. During this interim of times, the Court Reporter by October 10th two days after WE as Appellants had not yet received the transcript, the Deputy Clerk inadvertently issued an Administrative Order of Dismissal. The Clerk wrote on October 20th to all parties, that she "construes" . . . the Appellant's October 10th Response Letter . . . "as a petition to reinstate" thereby granting 10 days to amend and to pay the petition filing fee of \$25 along with a proper proof of service.

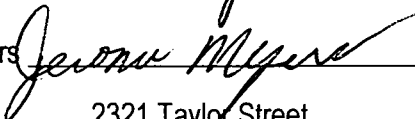
The Appellants via this Amended Petition with attachments of letters; the transcript payment photocopy; the Dismissal Order of the Court dated October 8th; and their construed petition of October 10th

Respectfully submitted this 25 day of October 2014.

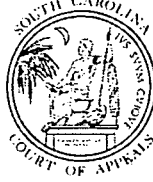
Gloria Myers



Jerome Myers



2321 Taylor Street,
North Charleston, SC 29406-6232
(843) 747-6741



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1015 SUMTER STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

October 20, 2014

Jerome Myers
2321 Taylor Street
North Charleston SC 29406-6232

Gloria Myers
2321 Taylor Street
North Charleston SC 29401

Re: Jerome Myers v. Walter Kaufmann
Appellate Case No. 2014-000077

Dear Counsel:

Upon reviewing your correspondence received October 14, 2014, which the Court construes as a petition to reinstate the appeal, the following deficiency or deficiencies have been noted under the South Carolina Appellate Court Rules (SCACR), and any deficiency must be corrected within ten (10) days of the date of this letter:

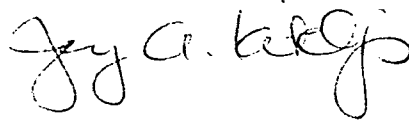
- The required filing fee has not been submitted. The correct filing fee is \$25.00.
- A proof of service has not been provided. You must serve and file a proof of service substantially in the format shown by Form 7 in Appendix C to part II of the SCACR.

RECEIVED

OCT 28 2014

SC Court of Appeals

Very truly yours,

A handwritten signature in cursive script, appearing to read "Jay A. Kilgus".

CLERK

cc: David Starr Cobb, Esquire
John Joseph Dodds, III, Esquire



POSTAL MONEY ORDER

Serial Number

22249690391

Year, Month, Day

2014-10-23

Post Office

294190

U.S. Dollars and Cents

\$25.00

Amount

TWENTY FIVE DOLLARS & 00¢

Pay to

Ms. V. Claire Allen Deputy Clerk / Appeal Court

Clerk

Address

P.O. Box 116 29

From

Jerome Myers

0016

Columbia, SC 29211

Address

2321 Taylor Street

Memo

Restatement S.C.A.C. NO. 2014-00077

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SEE REVERSE WARNING • NEGOTIABLE ONLY IN THE U.S. AND POSSESSIONS

1:00000800 21:

22249690391

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

MS. Deborah Garrison
 S.C. 9th Judicial Circuit
 P.O. Box 901
 Johns Island, SC
 29457-901

2. Article Number (Copy from service label)

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery
 _____ 09/30/11

C. Signature
 X *Deborah Garrison* Agent Addressee

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

DEBORAH GARRISON

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Ms. V. Claire Allen Deputy Clerk
 P.O. Box 11629
 Columbia, South Carolina
 29211

2. Article Number (Copy from service label)

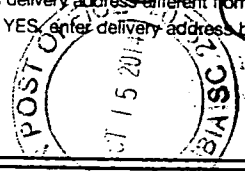
7011 1570 0002 7747 4500

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

C. Signature
 X *[Signature]* Agent Addressee

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No



3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

October 10, 2014
2321 Taylor Street
North Charleston, South Carolina 29406
Appellate Case No: 2014-000077

V. Claire Allen Deputy Clerk,
1015 Sumter Street
Columbia, South Carolina 29201

RE: Appellate Case NO: 2014-000077
The Honorable Kristhea Harrington
Charleston County
Trial Court Case NO: 2012 CP1008423
Order Filed (10-8-2014)

Dear V. Claire Allen, Deputy Clerk

Today, I received your order that we did not send in
proof of trying to request the Transcript and failed to provide
proof of payment to the court reporter.
12, 2014, showing that we did try and May 4, 2014.
We, are attaching the letters that was sent out to
Ms. Deborah Garrison and letters that was sent to Ms. Rosalyn-
Frieson, Director and Ms. Desiree Allen Coordinator, showing that we
sent a request for the Transcript from Ms. Deborah Garrison and
a copy of the Postal Money Order and a copy of the Green Card
that was sign.

Please Correct the Record in the Appellant's favor in
that your Order Dated 10-8-14, to be reinstated the appeal
Process in this Matter.

October 10, 2014

Appellate Case NO: 2014-000077

We still, have not recieved, the Transcript as of yet.
The letter stated that it will be sixty days to receiving
the Transcript showing proof we have already send
in for the records, Thank you.

Sincerely,

Jerome Myers, Gloria Myers

Jerome Myers
Gloria Myers
2321 Taylor Street
North Charleston, SC 29406
Appellants Pro Se

The South Carolina Court of Appeals

Jerome Myers and Gloria Myers, Appellants,

v.

Walter R. Kaufmann, Kaufmann and Associates, LLC,
Joseph A. Broom, Active Day, Inc., Craig Mehnert COO,
Bettye Dorn as Center Director of Active Day, Inc. @
Charleston, SC, Respondents.

Appellate Case No. 2014-000077

The Honorable Kristi Lea Harrington
Charleston County
Trial Court Case No. 2012CP1008423

ORDER

Appellants has failed to provide proof of payment to the court reporter for the transcript, as required by Rule 207 of the South Carolina Appellate Court Rules, and as requested by the Court in our letter dated September 22, 2014 . Accordingly, this matter is dismissed. The remittitur will be sent as provided by Rule 221(b), SCACR.

FOR THE COURT

BY V. Claire Allen, Deputy
CLERK

Columbia, South Carolina

FILED

10/8/14

cc:

Jerome Myers

Gloria Myers

David Starr Cobb, Esquire

John Joseph Dodds, III, Esquire



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
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1015 SUMTER STREET
COLUMBIA, SOUTH CAROLINA 29201
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FAX: (803) 734-1839
www.sccourts.org

September 22, 2014

Jerome Myers
2321 Taylor Street
North Charleston SC 29406-6232

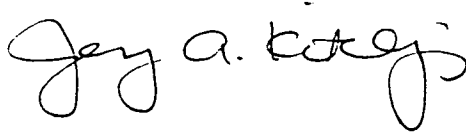
Gloria Myers
2321 Taylor Street
North Charleston SC 29401

Re: Jerome Myers v. Walter Kaufmann
Appellate Case No. 2014-000077

Dear Mr. and Mrs. Myers:

Enclosed please find a copy of correspondence we have received from the court reporter. You must provide proof of having made satisfactory arrangements for payment of the transcript within ten days of the date of this letter or your appeal will be dismissed. *See* Rule 207(a), SCACR ("Where a transcript of the proceeding must be prepared by the court reporter, appellant shall, within the time provided for ordering the transcript, make satisfactory arrangements (including agreement regarding payment for the transcript), in writing with the court reporter for furnishing the transcript.").

Very truly yours,

A handwritten signature in black ink that reads "Jay A. Cobb". The signature is written in a cursive style with a large, looped initial "J" and a distinct "C" at the end.

CLERK

cc: David Starr Cobb, Esquire
John Joseph Dodds, III, Esquire

(2).



State of South Carolina
The Circuit Court of the Ninth Judicial Circuit

Deborah A. Garrison
Circuit Court Reporter

May 4, 2014

P O Box 901
Johns Island, SC 29457

Mr. & Mrs. Jerome Myers
2321 Taylor Street
North Charleston, SC 29406

Re: Transcript Requests
Hearing of 11/20/13
Case No. 12-CP-10-8423

Dear Mr. & Mrs. Myers:

To accept your request for a transcript of the November 20th, 2013 hearing in the above-captioned matter, a deposit in the amount of \$107.50 is required. Deposits are required of all parties, including those incarcerated, indigent or pro se.

The required deposit is an estimated amount. If the cost of the transcript exceeds the amount requested, you will be notified to remit the balance due. If the cost is less than the required deposit, a refund will accompany the transcript on delivery.

Transcript requests are not accepted until a valid deposit is received.

Best regards,

A handwritten signature in cursive script that reads "Deborah Garrison".

Deborah Garrison



Yes!

State of South Carolina
The Circuit Court of the Ninth Judicial Circuit

Deborah A. Garrison
Circuit Court Reporter

September 12, 2014

P O Box 901
Johns Island, SC 29457

Jerome Meyers and Gloria Meyers
2321 Taylor Street
North Charleston, South Carolina 29406

Re: Meyers v Walter R. Kaufman et al
12-CP-10-8423
Hearing of November 20, 2013
Before The Honorable Kristie Harrington

Dear Mr. and Mrs. Meyers:

I received a copy of your letter to Rosalyn Frierson dated July 29, 2014, on my return from an extended medical leave.

As confirmed by previous letters to you, I have received your request for a transcript of the hearing in the above-referenced matter. You have been provided with the amount necessary for a deposit to accept your transcript request, and informed that requests are not accepted without the required deposit. By necessity, this is an estimated amount because until a transcript is prepared there is no way of knowing the exact cost. Should the cost for the transcript exceed the required deposit amount, you will be notified. If the cost for preparing the transcript is less than the required amount, a refund will accompany the transcript on delivery. Deposits are calculated to be as close to the actual cost as I am able to estimate at this time.

To order the transcript, please remit a deposit in the amount of \$107.50, payable to Deborah Garrison. Once your deposit is received, your request will be accepted and the transcript will be prepared and delivered within sixty days.

Sincerely,

Deborah Garrison

cc: Rosalyn Frierson, Director
Desiree Allen, Coordinator
COURT ADMINISTRATION
David Cobb, Esq
John Dodds, Esq.

September 24, 2014

352 Taylor Ave

W. Columbia, SC 29904

Case # 13-CF-10-2723

The South Carolina Court of Appeals

Court Administration

Rosalyn Frerzon, Director

Desiree Allen, Coordinator

Post Office Box 11629 / 1015 Sumter, Suite 201

Columbia, South Carolina 29211

Re: Myers v. Walter R. Kwafmann et al

13-CF-10-2723

Hearing of November 26, 2013

Before The Honorable Kristie Harrington

Dear Ms Rosalyn Frerzon, Director,

We are sending a copy of the letter and Money Order that was send to Ms Deborah Garrison, the Court Reporter asking for the Transcript of the Hearing of November 26, 2013, Before The Honorable Kristie Harrington.

We are also sending a copy of the letter from Ms. Deborah Garrison, Court Reporter Confirming when we would be able to received the request Transcript of the hearing in the above-referenced matter. The letter also state that it will be within sixty days of receiving the Transcript. We are sending this letter for the records.

C.C. Desiree Allen, Coordinator
Court Administration
David Cobb, Esq.
John Dadds, Esq.

Very truly yours,
Jerome Myers

Yvonne Myers

September 27, 2013
333 Taylor Street
Mt. Charleston, SC 29729

Deborah Garrison, Court Reporter
101 7th Judicial Circuit
P.O. Box 701
Johns Island, SC 29457-701

Dear Ms. Deborah A. Garrison, Circuit Court Reporter
RE: Myers v. Walter R Kaufmann et al
13-CP-10-8423
Hearing of November 20, 2013
Before the Honorable Kristie Harrington

We are sending you a money order dated 9/20/14 -
09-22 for the amount of \$107.50 payable to Deborah
Garrison, for the above transcript. Please let us know

where to pick-up the Transcript for November 20, 2013,
13-CP-10-8423 Before the Honorable Kristie Harrington.

Sorry to hear that you were out on an extended
medical leave, we are glad that you're better.
Thank-you in advance for your cooperation.

Best Regards,

~~Glenn Myers~~
Serene Myers

~~Glenn Myers~~
Glenn Myers



POSTAL MONEY ORDER

Serial Number

Year, Month, Day

Post Office

U.S. Dollars and Cents

21983699676

2014-09-22

294150

\$107.50

Amount ONE HUNDRED SEVEN DOLLARS & 50¢ *****

Pay to Deborah Garrison Court Reporter, S.C. 9th Judicial Circuit Clock
 Address P.O. Box 701 DUPLICATE
Johns Island, SC 29457-701 DUPLICATE
 Memo Transcript
 From Jeremie Myers and Blayne Myers
 Address 2321 Taylor Street
N. Charleston, SC 29406

1:00000800 21:

SEE REVERSE WARNING • NEGOTIABLE ONLY IN THE U.S. AND POSSESSIONS
21983699676



State of South Carolina
The Circuit Court of the Ninth Judicial Circuit

Deborah A. Garrison
Circuit Court Recorder

September 12, 2014

P O Box 901
Johns Island, SC 29457

Jerome Meyers and Gloria Meyers
2321 Taylor Street
North Charleston, South Carolina 29406

Re: Meyers v Walter R. Kaufman et al
12-CP-10-8423
Hearing of November 20, 2013
Before The Honorable Kristie Harrington

Dear Mr. and Mrs. Meyers:

I received a copy of your letter to Rosalyn Frierson dated July 29, 2014, on my return from an extended medical leave.

As confirmed by previous letters to you, I have received your request for a transcript of the hearing in the above-referenced matter. You have been provided with the amount necessary for a deposit to accept your transcript request, and informed that requests are not accepted without the required deposit. By necessity, this is an estimated amount because until a transcript is prepared there is no way of knowing the exact cost. Should the cost for the transcript exceed the required deposit amount, you will be notified. If the cost for preparing the transcript is less than the required amount, a refund will accompany the transcript on delivery. Deposits are calculated to be as close to the actual cost as I am able to estimate at this time.

To order the transcript, please remit a deposit in the amount of \$107.50, payable to Deborah Garrison. Once your deposit is received, your request will be accepted and the transcript will be prepared and delivered within sixty days.

Sincerely,

Deborah Garrison

cc: Rosalyn Frierson, Director
Desiree Allen, Coordinator
COURT ADMINISTRATION
David Cobb, Esq
John Dodds, Esq.

THE STATE OF SOUTH CAROLINA
In The Court of Common Pleas

APPEAL FROM CHARLESTON COUNTY
Honorable Kristi Lea Harrington

SCAC Case No.: 2014-00077

Jerome Myers and Gloria Myers

Appellants,

v.

Walter Kaufmann; Kaufmann & Assoc.s
and Joseph Broom

Respondents

PROOF OF SERVICE

Jerome Myers & Gloria Myers affirm that on this day I have placed a copy of this **AMENDED PETITION TO REINSTATE THE APPEAL** in the USPS mail with first class postage affixed to the South Carolina Appeals Court Clerk and the following Defendants/Respondents:


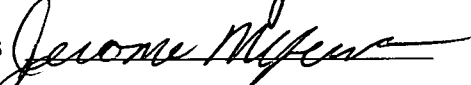
TURNER PADGET LAW FIRM
Mr. David Cobb, Esq.
40 Calhoun Street
Charleston, SC 29401
(843) 576-2800
Attorney for Active Day Care; Craig Mehnert; Bettye Dorn

John J. Dodds, iii
858 Lowcountry Blvd., Suite 101
Mount Pleasant, SC 29464
(843) 881-6530
Attorney for Kauffmann; Kaufmann & Assoc.; Joseph Broom

Respectfully submitted this 25 day of October 2014

Gloria Myers

Jerome Myers



2321 Taylor Street,
North Charleston, SC 29406-6232
(843) 747-6741