

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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

Case No. 2012-CP-10-8135

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SC Court of Appeals

Karen Oliver,

Appellant,

v.

Amanda Lawrence and Trident United Way,

Respondents.

**RESPONDENTS' RETURN TO
APPELLANT'S MOTION FOR INJUNCTION**

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SC COURT OF APPEALS

The Appellant Karen Oliver has filed a motion seeking an "injunction" allowing her to obtain "an audio copy, stenographer notes and if available the videotape copy of the proceedings" related to an October 9, 2013 hearing on her motion to reconsider before Circuit Judge J.C. Nicholson, Jr. The Respondents Amanda Lawrence and Trident United Way oppose that motion.

There have been numerous issues with the Appellant's transcript order as part of this appeal. Those issues are well documented in the record and have previously resulted in the administrative dismissal of her appeal, which has since been reinstated. The Appellant is now dissatisfied with the transcript of the October 9, 2013 motion hearing that she received from the court reporter, Mona Manley.

As the Appellant has been informed by letter from Court Administration, there is no provision in the Rules of Civil Procedure or in the Appellate Court Rules for a litigant to be provided an audio recording of a hearing. Instead, there is a procedure as set forth in the South Carolina Court Reporter Manual for a challenge to the accuracy of a transcript. That procedure is 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 record 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.

The court reporter timely responded to the Appellant's initial request for an audio recording of the hearing by reviewing her stenographic notes of the hearing, and by confirming the accuracy of the transcript as prepared. In response, the Appellant purportedly sent an additional letter dated October 16, 2014 to the court reporter with "specific challenges" to the transcript, which are the same challenges

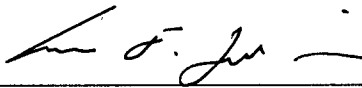
outlined in her motion to this Court. This motion was likewise served on October 16, 2014. Therefore, given the simultaneous mailing of the letter to the court reporter with the filing of the current motion, the Appellant has not even given the court reporter the opportunity to respond to her "specific challenges" before filing this motion. In short, the Appellant's motion appears premature and may be denied on that basis alone.

Moreover, if the Appellant remains dissatisfied and can show "good cause" after receiving the court reporter's response to these "specific challenges," then "[f]urther review of the record may be permitted by the presiding judge upon written request." Yet, the Appellant has not and will be able to demonstrate the requisite "good cause." It is apparent that the Appellant's "specific challenges" to the transcript, even if accurate, are inconsequential and should have no material effect on this appeal and the legal issues as may be asserted.

On the foregoing bases, the Court is respectfully requested to deny the Appellant's motion and require her to proceed with this appeal which has already been unnecessarily delayed by the Appellant's failure to pay for the transcript after it was ordered.

Respectfully submitted,

DAVIDSON & LINDEMANN, P.A.

BY: 

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*Counsel for Respondents
Amanda Lawrence and Trident United Way*

Columbia, South Carolina

October 30, 2014

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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

Case No. 2012-CP-10-8135

Karen Oliver, Appellant,

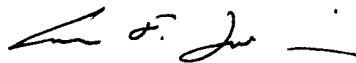
v.

Amanda Lawrence and Trident United Way, Respondents.

CERTIFICATE OF SERVICE

The undersigned employee of Davidson & Lindemann, P.A., counsel for the Respondents, does hereby certify that service of the **Respondent's Return to Appellant's Motion for Injunction** in the above-captioned matter was made upon the *pro se* Appellant by placing a copy in the United States Mail, first class postage prepaid, at the below listed address clearly indicated on said envelope this the 30th day of October 2014:

Ms. Karen Oliver
1945 Ghana Street
Johns Island, South Carolina 29455



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SC Court of Appeals

DAVIDSON & LINDEMANN, P.A.

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October 30, 2014

Of Counsel
Kenneth P. Woodington

Writer's Email: alindemann@dml-law.com

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

RE: Karen Oliver v. Amanda Lawrence and Trident United Way
SCCA Case Number: 2013-002587
Civil Action Number: 2012-CP-10-8135
Claim Number: 21281499
Our File Number: 307.9344

Dear Ms. Kitchings:

Please find enclosed for filing the original and seven copies of the **Respondent's Return to Appellant's Motion for Injunction** in the above referenced matter. Please file the original and return a clocked-in copy to me in the enclosed envelope.

By copy of this letter, I am serving a copy on the *pro se* Appellant.

Thank you for your assistance in this matter.

Sincerely,

DAVIDSON & LINDEMANN, P.A.



Andrew F. Lindemann

AFL/
Enclosures

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SC Court of Appeals

The Honorable Jenny Abbott Kitchings
October 30, 2014
Page Two

cc: (w/ Enclosure)

Ms. Karen Oliver
1945 Ghana Street
Johns Island, South Carolina 29455

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SC Court of Appeals

Honorable Jenny Abbott Kitchings
of Court
Carolina Court of Appeals
Office Box 11629
Columbia, South Carolina 29211

