

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

REPLY

RECEIVED  
NOV 07 2014  
SC Court of Appeals

Karen Oliver,

Appellant,

v.

Amanda Lawrence and Trident United Way,

Respondents.

REPLY

The Appellant request that the receipt of a copy and reviewing of audio, video and stenographer's notes is imperative and needed to ensure that the Appellant's Right to Due Process is not compromised. When the court reporter's manual was written, implemented and enforced it allowed for those items in contention in a challenge to be received with impartiality. If the contested items are found with merit, then everyone wins. The playing field must be leveled. If a court reporter is allowed to subjectively pick and choose what is to be a part of a transcript then surely we must remove the blinders from the scales of justice.

Opposing counsel, Andrew Lindemann labels the challenges as being "inconsequential". However, given that he was not in attendance at the Proceedings he would best be served to want the most reliable form of getting a transcript. When not seen in its proper context the challenges of the omissions may appear as being "inconsequential" or collusion having taken place. It correlates with when a judge shows no respect to provide you with a clear space to place your personal belongings and paperwork. It may look "inconsequential" her cause for being there in that setting. In an effort to gain and maintain an equitable appeals process it would benefit all parties to have the Injunction enforced. Then, there's no question.

Further, the response of the court reporter in Attachment 1 clearly shows she is not flexible in this area of my challenges. Attachment 2 clearly shows her refusal to even acknowledge and address specific challenges. She does not address the Freedom of Information Act. By stonewalling, it creates an atmosphere for one to suspect collusion having taken place. The items in the Motion submitted as Attachment 4 (here labeled 3) and Attachment 5 (here labeled 4) both submissions show the Appellant speaking in relations to the items that were omitted from the unreliable transcript. Those attachments were documented the previous year. Surely, the court reporter should not be able to omit the judge's or opposing lawyer's statement(s). Christy Fagnoli knows that I am being honest about these omissions. Andrew Lindemann who was not present at the Proceedings should desire to obtain a reliable copy

Remember the Proceedings started in the public gallery while legal teams for the other case were already set to go in the courtroom's well. If we take it as initially written then accordingly, it would have the whole proceedings as having taken place in the public gallery.



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

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Karen Oliver,

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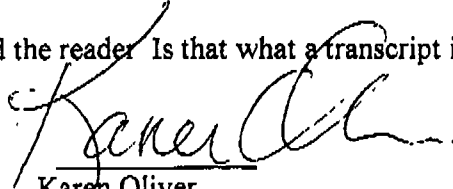
Respondents.

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 having been made. To prevent the destroying of vital court recordings and to not compromise the Appellant’s Right to Due Process. These requests have been made to the courts. The Appellant may not have a parking space labeled for her at the courthouse parking garage as the Defendant did – TUW. Yet, it does not disqualify the Appellant to have equitable participation in Due Process. The Appellant

pg. 2 (Mem) /  
pg. 5 (total)

would include a copy of the unreliable transcript yet, it is the omission of those so-called  
“inconsequential” that will mis-lead the reader. Is that what a transcript is purported to do?



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*Attachment 1  
page 1 of 4*

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

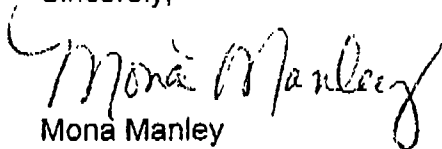
Dear Ms. Oliver,

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 1  
page 2 of 4*

October 4, 2014

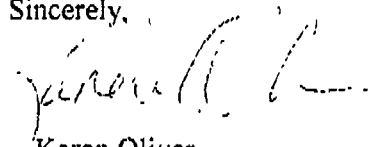
Mona Manley  
P.O. Box 4516  
Beaufort, SC 29906

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 1  
page 3 of 4

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
7. The response from both legal teams of Case
8. 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 Fagnoli, 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.

Attachment 1  
page 4 of 4

Pg 2

**Page Eight**

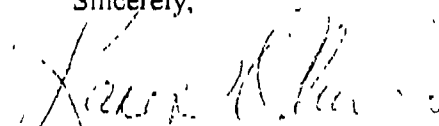
The Court Reporter omitted Judge Nicholson's refusal to receive the copies of the Filed Exhibits and the refusal to allow the distribution of them to the Respondents' attorney

**Page 15 Line 5:**

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

CC

Court Administration  
Clerk of Court  
Attorney for Respondents Lindemann and Margnoli

*Attachment 2  
page 1 of 2*

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

October 21, 2014

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

Dear Ms. Oliver,

I have received your most recent letter wherein you have requested changes be made to the official transcript. The changes you are requesting would not be part of the transcript, as the official record does not begin until the judge indicates the commencement of a proceeding in a case.

As far as your request to note the parties in the courtroom, there is no provision in law for every person in the courtroom at the time of a proceeding to be noted on the appearance page of the transcript. Unless a proceeding is deemed confidential by the judge, judicial proceedings are open to the public. If any party themselves would like to place that type of information on the record they are more than welcome to, but as that was not done there would be no way to re-create a listing of any and all persons in the courtroom at that exact time.

As far as what you referred to as the judge's abruptness in concluding the hearing, I am sorry to say that there is no way to show any actions you may have perceived from the Judge himself while he was making his conclusory remarks. If you would like to inquire further of the Judge as to what you felt was an abrupt conclusion you may do so by contacting his office directly.

I regret that you continue to have concerns over this proceeding. My office would be more than happy to discuss this further and look forward to having this matter resolved.

Sincerely,

Mona Manley

Cc: Desiree R. Allen, Court Reporter Manager

*Attachment 2  
page 292*

October 29, 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

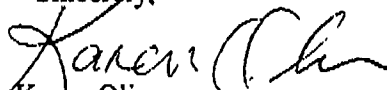
Dear Mona Manley;

It appears to be some misunderstanding concerning my challenges. First, I never asked for the names of the legal teams that were already set up and ready to go in the courtroom's well. Whom the judge referred his question to after Christy Fargnoli informed Christy Fargnoli informed Judge Nicholson that the issues to be discuss would not take long. THIS DONE FROM THE PUBLIC GALLERY (viewing area) Because the judge did not address them by their proper names their proper names would not be included. So confidentiality would not be an issue. If you enclosed the items prior to the judge asking the legal teams the question as part of the Proceedings then, those points should be included.

In stating that the judge abruptly ended the Hearing. I was not asking you to make a judgment call. The way that is stated how the judge ended the Hearing is not accurate. He refused to allow me to speak and ended it. You did not enclose his refusal to accept my exhibits or to distribute to the opposing counsel.

The comments of Christy Fargnoli was not acknowledged or addressed by you in the challenge. She made all of page 1 comments from the courtroom's well. You fail to acknowledge the judge allowing us to come forward. You did not include her continued argument for the Rule. This along with the aforementioned items gives the appearance of collusion. It is necessary for the copies of the audio, video and stenographer's notes be made available as requested in the Motion. The transcript as it is not reliable. Again, I am requesting that we all sit and review the recordings. Clearly, there is a problem here and this is the best way to resolve it. You have been made aware of my requests for the copies and the motion made to the courts. I look forward to having this issue resolved.

Sincerely,

  
Karen Oliver

CC:

Court Administration  
Clerk of Court  
Attorney for Respondents, Lindemann and Fargnoli

*Attachment 3*

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 1<sup>st</sup> 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 F 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 # 4*

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.

November 6, 2014

RECEIVED

NOV 07 2014

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 the Reply. Also enclosed are the following:

- (1) Proof of service of to the known counsel for the respondents and court reporter

Sincerely,  
  
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cc: Christy Fagnoli  
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 Attorneys for Respondents