

The South Carolina Court of Appeals

RECEIVED

MAR 11 2014

SC Court of Appeals

Joseph C. Sun, Appellant,

v.

Marshall L. Horton and Richard Ulbrich, Respondents.

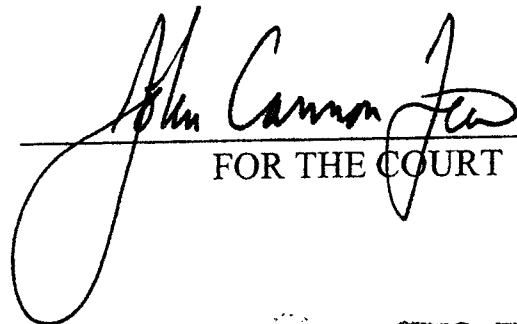
Appellate Case No. 2014-001747

ORDER

Respondent has filed an objection to Appellant's motion to file his initial brief and designation of matter out of time, arguing there is a transcript of the proceeding before Judge Dukes and Appellant has misled the court and is refusing to order the transcript.

Appellant shall provide proof that he has ordered the transcript within ten days or this appeal may be dismissed. See Rule 207, SCACR (requiring the appellant to order the transcript of the entire proceedings below unless the parties otherwise agree in writing).

We strike Appellant's initial brief and designation as prematurely filed. Appellant shall serve and file an amended initial brief and designation of matter within thirty days of receipt of the transcript.


FOR THE COURT

Columbia, South Carolina

FILED
2/2/14

Subject: Fw: Transcript of Hearing
From: Josie Gunn (jossunn1095@yahoo.com)
To: ggalvin@galvinlawgroup.com;
Date: Sunday, February 22, 2015 9:45 PM

On Wednesday, February 11, 2015 9:17 AM, Josie Gunn <jossunn1095@yahoo.com> wrote:

This is the status of the Transcript on the case on appeal.

On Tuesday, February 10, 2015 11:58 AM, "McLeod, Heather" <hmcleod@bcgov.net> wrote:

As I explained when we spoke on the phone, our Court Reporter, Deborah Thomas, is on Family Medical Leave due to her mother being very ill and now passing. She is currently in Texas handling her Mother's funeral and affairs and she should be returning in a couple of weeks. I do not have the exact date she will return to the office but anticipate it being sometime around the week of February 23rd. Feel free to contact me around that time to see if she has returned. I hope this helps you with keeping the Court of Appeals up to date on your transcript request. Please let me know if you need anything else.

Please contact us immediately if you are waiting on a ruling and it has been more than 30 days.

If you have a motion older than 30 days, needing a hearing, please email me a filed copy and I will work with you on scheduling. Please note, there may be jurisdiction or conflict issues resulting in Judge Dukes' inability to hear a motion.

Thanking You in Advance,

**Heather R. H. McLeod,
Judicial Assistant to
Hon. Marvin H. Dukes, III
Beaufort County Master In Equity
And Special Circuit Court Judge
P. (843) 255-5710
F. (843) 255-9505
hmcleod@bcgov.net**

**Beaufort County Courthouse
102 Ribaut Rd., 2nd Floor, Room 212**

P. O. Box 151
Bluffton, SC 29910
February 20, 2015

RECEIVED

Clerk, South Carolina Court of Appeals
P. O. Box 11629
Columbia, SC 29211

Re: Sun v. Horton, et al, Appeal Case No. 2014-001747
Beaufort County Court of Common Pleas 2014-CP-07-00238

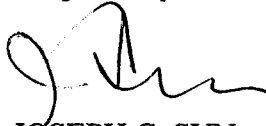
Gentlemen:

Attached please find a copy of email correspondence I had with Ms. Heather McLeod, the legal assistant of Special Circuit Judge Marvin Dukes, III, for whom the Court Report Deborah Thomas worked for and took down the record at the hearing at Judge Duke's Office on April 23, 2014 in the referenced case.

Ms. Thomas talked to me on the phone briefly a few days ago and told me that she is now back on her job of typing the transcripts, but mine was one of the 12 cases she had. She said she would give me some priority, but no promise of any date that I would receive the transcript from her.

Thank you for your attention.

Respectfully submitted,



JOSEPH C. SUN

Attachments

cc: Gregory Michael Galvin, Esq (by email)
Lindsay Yoas Goodman, Esq (by email)

P. O. Box 151
Bluffton, SC 29910
March 3, 2015

Clerk, South Carolina Court of Appeals
P. O. Box 11629
Columbia, SC 29211

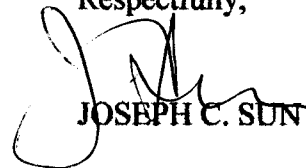
Re: Sun v. Horton, et al, Appeal Case No. 2014-001747
Beaufort County Court of Common Pleas 2014-CP-07-00238

Gentlemen:

Pursuant to Court Order of Chief Judge Few, this is to inform the court that I have received the transcript of the hearing in the referenced case yesterday and have already completed the amended initial brief to be sent in for filing.

Thank you for your cooperation.

Respectfully,



JOSEPH C. SUN

cc: Gregory Michael Galvin, Esq (by email)
Lindsay Yoas Goodman, Esq (by email)

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SC Court of Appeals

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P.O. Box 11629
Columbia, SC 29211

C. DAN
O. Box 151
Wffton, SC 29910

