

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

Appellant Case No. 2015-000942

**RECEIVED**

JUN 25 2015

SC Court of Appeals

APPEAL FROM GREENVILLE COUNTY

Court of Common Pleas

Charles B. Simmons, Master in Equity Judge

Case No. 2010-CP-23-8330

Joel Clay Bracken, Appellant.

v.

Green Tree Servicing, LLC., Respondent.

APPELLANT'S MOTION TO FILE INITIAL BRIEF

Appellant Joel Clay Bracken, respectfully requests and moves the Court for permission to file his initial brief pursuant to SCACR Rule 208(a)(1). Appellant has encountered great difficulties with the court reporters correspondence and inaccuracies of fees for requested transcripts, of which was only just resolved on date of June 23, 2015 as follows:

1. On May 1, 2015 at 5:00PM, Appellant called the Master in Equity's Greenville offices to request court transcripts. Appellant was diverted to an voicemail, where he made his formal requests. On the same date, Appellant placed a formal request letter in his mailbox to those said offices. (See Attachment A Affidavit)
2. After no response by May 21, 2015, Appellant filed a notice with the local court, clocked at 11:55AM, thereafter hand delivering it to the Master in Equity's offices of his request in acquiring emailed court hearing transcripts on dates June 13, 2011, August 15, 2011 and April 8, 2015. (See Attachment B)

3. Due to no response and looming deadlines, Appellant called the Master's offices on June 12, 2015 at 1:16PM to speak with the court reporter or others, to resolve any issues and obtain the transcripts. Appellant was informed the original court reporter Ms. Ann Campbell, had just recently retired from duty and may be cause of the delay and was given another reporters name of Ms. Wanda Fudge (whom was off work that day) and her email [nwfudge@greenvillecounty.org](mailto:nwfudge@greenvillecounty.org) to contact about the requested transcripts. (See attachment C)
4. Appellant on same date, sent her an email with the requests and contact information, but only received an auto reply that she was out of the office Friday, June 12, 2015 and to leave a message. (See Attachment D) To present date, Ms. Fudge never contacted the Appellant regarding his requests.
5. On June 15, 2015, Ms. Campbell responded by email. Ms. Campbell stated that she had previously called before her *retirement* and left the Appellant a message but failed to specify any date or time that allegedly occurred. Ms. Campbell's estimate for the transcripts were vague for the amount \$113.75, without any specifics of how many pages total for each hearing and failed to address Appellant's previous requests for emailed copies according to SCACR Rule 607(h)(1)(H). Further, Ms. Campbell's email also failed to provide a direct phone number for the Appellant to contact her to discuss the matter directly. (See Attachment E)
6. On June 16, 2015, Appellant replied to Ms. Campbell's email to determine the exact total of pages per hearing to conceivably "make a clear determination as to what I should pay or not." NOTE: Appellant is very limited financially and was proceeding in local court and here *in forma pauperis*. Appellant's reply email also informed Ms. Campbell the Appellant Court Rules do apply to her, and transcripts shall be transcribed by the court reporter in the order in which the requests for transcripts are made pursuant with SCACR Rule 607(d) and Rule 607(h)(1)(H). Appellant had recently discovered in the local court record, Ms. Campbell had already prepared transcripts for the Respondents in this case on April 25, 2015. Therefore, as the transcripts were already prepared and produced to one party in the case on record, Appellant informed Ms. Campbell of his right to request

those said transcript copies in expedited manner pursuant SCACR Rule 607(j)(ii) and would pay at the local Master's office. (See Attachment F)

7. Having no response, On June 18, 2015 at 9:23PM, Appellant sent another follow up email to Ms. Campbell to expedite the transcripts. (See Attachment G)
8. On June 22, 2015, Appellant received a letter by USPS mail from South Carolina Appellate Deputy Clerk of Court Claire Allen instructing to within ten days of June 17, 2015, file a copy of the letter Appellant had ordered directly from the court reporter, along with this motion requesting permission to order the transcripts outside the deadlines of SCACR Rule 207 or the appeal will be dismissed if no motion is made. (See Attachment H)
9. Appellant again contacted the Master in Equity's offices by phone 3:41pm June 22, 2015, pleaded the situation with the office secretary. Appellant was only deferred to the other court reporter's voicemail of Wanda Fudge. (whom has never contacted him to resolve the matter) Appellant left a scathing voicemail message, he had no choice but to contact the Appellate Court and the Court of Administration, regarding that offices lack of professionalism, needlessly dilatory processes for an *pro se* individual to order simple transcripts and utter noncompliance with the code of conduct for S.C. court reporters and clear rules of the Appellate Court. (See Attachment I)
10. Consequently, on June 23, 2015, at 9:34am, Appellant received an email reply from Ms. Campbell, providing the proper itemized page quote per hearing transcript and finally informing Appellant "If a transcript has been prepared previously, you can obtain a copy from the Clerk of Court." (See Attachment J)
11. Appellant then contacted the local Greenville County Clerk of Court office by phone 3:47pm June 23, 2015 and a Deputy Clerk emailed via [roster@greenvillecounty.org](mailto:roster@greenvillecounty.org), the previously ordered transcripts by Green Tree LLC. counsel Finkel Law Firm, to the Appellant. (See Attachment K)

The transcript of arguments made within the most recent foreclosure hearing of April 8, 2015 were paramount to issues of this appeal. Appellant is near completion of his initial brief and can soon file it without need of further transcripts from hearings June 13, 2011 and August

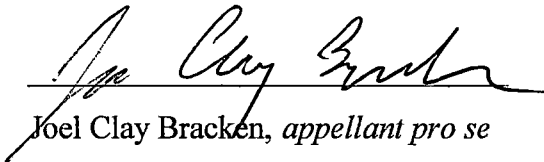
15, 2011, as he now believes reliance on the existing Court records are all that should be necessary. Since the Appellant has now in receipt from the reporter and clerk, the matter should now turn to the initial brief time frame prescribed by rules of the Court. Rule 208(a)(1) provides the time for serving and filing initial briefs is within thirty (30) days after receiving the transcript. Thus, if the Court does not inform or instruct otherwise, the Appellant will just file the brief by July 23, 2015 in accordance with this rule and wait the Respondents reply brief.

CONCLUSION

Appellant has complied with SCACR Rule 207(a)(1), but due to aforementioned communication issues evidenced and attached herein, with the Master's court reporters, of which one retired from service during the process resulting in subsequent delays, Appellant moves and preys for this Honorable Court permit him to file his initial brief pursuant to Rule 208(a)(1) or in any other manner the Court deems just or proper.

Respectfully submitted,

Today's Date: June 24, 2015.

  
Joel Clay Bracken, *appellant pro se*

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C.C.

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Green Tree Servicing, LLC., Respondent.

I HEREBY CERTIFY, a true and correct copy of the aforementioned pleading has been delivered to Respondent's counsel by facsimile with verifiable delivery confirmation to:

The Finkel Law Firm LLC

Attn: Associate Chris S. Truluck

Office: 803-765-2935

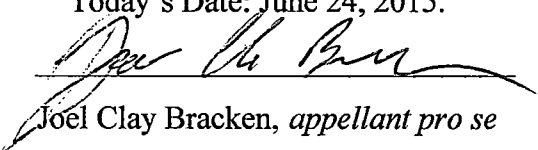
Fax: 803-252-0786

1201 Main Street, Suite 1800

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Respectfully submitted,

Today's Date: June 24, 2015.

  
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