

## Neal Truslow

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**From:** Neal Truslow  
**Sent:** Monday, November 09, 2015 2:26 PM  
**To:** 'Gee, Tanya Law Clerk (Emily Burgis)'; 'Hans Pauling'  
**Cc:** 'Joseph Shenkar'; Douglas Truslow; Mackenzie Woodward; Amanda Hilley  
**Subject:** RE: Brian Talkington- Motion to Reconsider  
**Attachments:** DOC110915-11092015140838.pdf

Emily and Hans:

In the process of monitoring our cases, we looked to the public index to check on the status of Judge Gee's ruling as to Defendant's Motion to Reconsider as we had not received any notification of the Judge's determination and were surprised to discover that same had apparently been signed and filed on October 26, 2015. We had not (and still have not) received any notice/indication of the filing, electronically or in the mail. Presumably the Solicitor's Office likewise was unaware of the filing because on October 29, 2015, Assistant Solicitor Pauling filed a response to Defendant's motion.

I went to the Clerk of Court today and obtained a filed copy of the Order Denying Motion for Reconsideration. The Clerk's office did not provide any documentation from the file indicating that the Order had been sent to Defendant via mail or otherwise. As such, we would consider today (November 9, 2015) as the date of receipt of Judge Gee's Order denying Defendant's Motion to Reconsider.

Respectfully,

Neal

Neal D. Truslow  
ATTORNEY AT LAW

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communication in error or are not sure whether it is privileged, please immediately notify us by return e-mail and destroy any copies, electronic or otherwise, which you may have of this communication.

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**From:** Neal Truslow

**Sent:** Monday, October 19, 2015 3:32 PM

**To:** 'Gee, Tanya Law Clerk (Emily Burgis)' <tgeelc@sccourts.org>; Hans Pauling <PaulingH@rcgov.us>

**Cc:** Joseph Shenkar <ShenkarJ@rcgov.us>; Douglas Truslow <douglastruslow@truslowlaw.com>; Mackenzie Woodward <mackenziewoodward@truslowlaw.com>; Amanda Hilley <amandahilley@truslowlaw.com>

**Subject:** RE: Brian Talkington- Motion to Reconsider

Emily and Hans:

Thanks for the prompt response. We'll look to hear from the Court.

Respectfully,

Neal

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**From:** Gee, Tanya Law Clerk (Emily Burgis) [<mailto:tgeelc@sccourts.org>]

**Sent:** Monday, October 19, 2015 3:29 PM

**To:** Hans Pauling <PaulingH@rcgov.us>; Neal Truslow <nealtruslow@truslowlaw.com>

**Cc:** Joseph Shenkar <ShenkarJ@rcgov.us>; Douglas Truslow <douglastruslow@truslowlaw.com>; Mackenzie Woodward

<mackenziewoodward@truslowlaw.com>; Amanda Hilley <amandahilley@truslowlaw.com>

**Subject:** RE: Brian Talkington- Motion to Reconsider

Judge Gee agrees that this matter can be resolved on written submissions.

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**From:** Hans Pauling [mailto:PaulingH@rcgov.us]

**Sent:** Monday, October 19, 2015 3:23 PM

**To:** Neal Truslow; Gee, Tanya Law Clerk (Emily Burgis)

**Cc:** Joseph Shenkar; Douglas Truslow; Mackenzie Woodward; Amanda Hilley

**Subject:** RE: Brian Talkington- Motion to Reconsider

State is amiable to a written response from the Court on the defense's request for reconsideration.

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**From:** Neal Truslow [mailto:nealtruslow@truslowlaw.com]

**Sent:** Monday, October 19, 2015 3:20 PM

**To:** Hans Pauling; Gee, Tanya Law Clerk (Emily Burgis)

**Cc:** Joseph Shenkar; Douglas Truslow; Mackenzie Woodward; Amanda Hilley

**Subject:** RE: Brian Talkington- Motion to Reconsider

Emily:

At this time, I am scheduled to be in Rock Hill Municipal Court for a DUI trial (date certain) on November 2<sup>nd</sup>, and Doug has a conflict in Federal Court on November the 2<sup>nd</sup> and 3<sup>rd</sup> (Hipp and Sumter).

Additionally, my wife and I are expecting twins (she's 35 weeks as of yesterday) and "expected" arrival date is November 3<sup>rd</sup>, though there is no telling when they may come – if you were to ask her, she would tell you that they should have already come. I plan to take time off for the birth, as well as while Lauren and the babies have to be in the hospital (expected to be for at least 3 days after the surgery). Unfortunately, I do not have the luxury to pre-plan with any certainty when all this may transpire. If the babies are required to be in the NICU for any period of time... I will cross that bridge when I get to it.

Because of the above, and talking about this matter with Doug, if the Court and the State would be amenable, the Defense would be willing for Judge Gee to issue a decision on the Motion to Reconsider without a hearing on the matter. Perhaps that way the Court can deal with that matter expeditiously and at the appropriate time. However, if the Court wants a hearing on the motion, we would ask that the Court consider addressing same at the most convenient, later date.

If you need anything further, please feel free to give me a call.

Respectfully,

Neal

Neal D. Truslow  
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---

**From:** Hans Pauling [<mailto:PaulingH@rcgov.us>]  
**Sent:** Monday, October 19, 2015 2:28 PM  
**To:** Gee, Tanya Law Clerk (Emily Burgis) <[tgeelc@sccourts.org](mailto:tgeelc@sccourts.org)>; Neal Truslow <[nealtruslow@truslowlaw.com](mailto:nealtruslow@truslowlaw.com)>  
**Cc:** Joseph Shenkar <[ShenkarJ@rcgov.us](mailto:ShenkarJ@rcgov.us)>; Douglas Truslow <[douglastruslow@truslowlaw.com](mailto:douglastruslow@truslowlaw.com)>  
**Subject:** RE: Brian Talkington- Motion to Reconsider

State is available

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**From:** Gee, Tanya Law Clerk (Emily Burgis) [<mailto:tgeelc@sccourts.org>]  
**Sent:** Monday, October 19, 2015 2:27 PM  
**To:** Neal Truslow; Hans Pauling  
**Cc:** Joseph Shenkar; Douglas Truslow  
**Subject:** RE: Brian Talkington- Motion to Reconsider

Judge Gee would like to schedule this hearing for another date. Her next Common Pleas term is the week of November 1.

---

**From:** Neal Truslow [<mailto:nealtruslow@truslowlaw.com>]  
**Sent:** Friday, October 16, 2015 3:13 PM  
**To:** Gee, Tanya Law Clerk (Emily Burgis); Hans Pauling  
**Cc:** Joseph Shenkar; Dan Goldberg; Douglas Truslow  
**Subject:** RE: Brian Talkington- Motion to Reconsider

All:

I have drill with the SCARNG this weekend and meetings scheduled for 10am and 2pm. Is another date possible? If not another date, is 3:30pm or later available?

Respectfully,

Neal

Neal D. Truslow  
ATTORNEY AT LAW

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**From:** Gee, Tanya Law Clerk (Emily Burgis) [<mailto:tgeelc@sccourts.org>]  
**Sent:** Friday, October 16, 2015 12:33 PM  
**To:** Hans Pauling <[PaulingH@rcgov.us](mailto:PaulingH@rcgov.us)>  
**Cc:** Joseph Shenkar <[ShenkarJ@rcgov.us](mailto:ShenkarJ@rcgov.us)>; Dan Goldberg <[GoldbergD@rcgov.us](mailto:GoldbergD@rcgov.us)>; Douglas Truslow <[douglastruslow@truslowlaw.com](mailto:douglastruslow@truslowlaw.com)>; Neal Truslow <[nealtruslow@truslowlaw.com](mailto:nealtruslow@truslowlaw.com)>  
**Subject:** RE: Brian Talkington- Motion to Reconsider

Correct.

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**From:** Hans Pauling [<mailto:PaulingH@rcgov.us>]  
**Sent:** Friday, October 16, 2015 12:31 PM  
**To:** Gee, Tanya Law Clerk (Emily Burgis)  
**Cc:** Joseph Shenkar; Dan Goldberg; [douglastruslow@truslowlaw.com](mailto:douglastruslow@truslowlaw.com); [nealtruslow@truslowlaw.com](mailto:nealtruslow@truslowlaw.com)  
**Subject:** Re: Brian Talkington- Motion to Reconsider

Yes for State

Monday October 19 correct?

Sent from my iPhone

On Oct 16, 2015, at 11:48 AM, Gee, Tanya Law Clerk (Emily Burgis) <[tgeelc@sccourts.org](mailto:tgeelc@sccourts.org)> wrote:

Counselors –

Judge Gee should have some time to hear this next Monday. Would that work for everyone?

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**From:** Hans Pauling [<mailto:PaulingH@rcgov.us>]

**Sent:** Friday, October 16, 2015 8:22 AM

**To:** Gee, Tanya Law Clerk (Emily Burgis)

**Cc:** Joseph Shenkar; Dan Goldberg; [douglastruslow@truslowlaw.com](mailto:douglastruslow@truslowlaw.com); [nealtruslow@truslowlaw.com](mailto:nealtruslow@truslowlaw.com)

**Subject:** Brian Talkington- Motion to Reconsider

Madame Clerk:

The State is in receipt of defense's Motion to Reconsider the ruling of Judge Gee dated October 12, 2015.

Can you inquire of Judge Gee if she would entertain this motion for the defense next week during her term in General Sessions and if so which day would be best for her?

Both Mr. Shenkar and myself have cases on the trial docket next week but we should be available either Monday or Tuesday for this hearing.

Thank you very much

<image003.jpg> **Hans W. Pauling**

Assistant Solicitor

Fifth Judicial Circuit

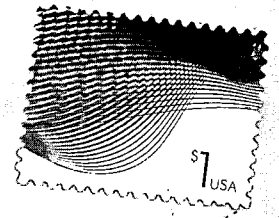
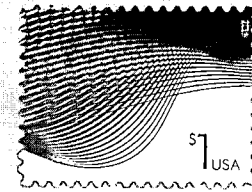
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RECEIVED

NOV 12 2015

The Honorable Jenny Abbott Kitchens  
Clerk, South Carolina Court of Appeals  
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