



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

RECEIVED
MAR 14 2016
SC Court of Appeals

March 07, 2016

Mr. Thomas David Hoyle, Esquire
28 Bridgeside Blvd.
Mt. Pleasant SC 29464

Ms. Crystal Lynn Castleberry, Esquire
3712 Swallowtail Dr.
Morgantown WV 26508

Re: Rebecca Delaney v. CasePro, Inc.
Appellate Case No. 2015-002466

Dear Counsel:

Our records indicate that the transcript in the above matter should have been delivered in full. As of today's date, we have not received any information indicating that the court reporter has been granted an extension. Further, you have not notified us that you have failed to receive the full transcript, nor have we received your initial brief.

If you have not yet received the entire transcript, Rule 207 of the South Carolina Appellate Court Rules requires you to contact the Office of Court Administration. The address for Court Administration is as follows:

South Carolina Office of Court Administration
1015 Sumter Street, Suite 201
Columbia, SC 29201



Be sure to copy the Court and opposing counsel with all correspondence concerning the transcript.

Please advise the Court of the status of the transcript within ten (10) days of the date of this letter, or your appeal may be dismissed.

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: Douglas Walker MacKelcan, III, Esquire
Dennis Gary Lovell, Jr., Esquire



"I will stand for my client's rights.
I am a trial lawyer."
-Ron Motley (1944-2013)

28 Bridgeside Blvd.
Mt. Pleasant, SC 29464
o. 843.216.9000 f. 843.216.9450

T. David Hoyle
Licensed in FL, GA, SC
direct: 843-216-9136
dhoyle@motleyrice.com

RECEIVED

NOV 23 2015

November 20, 2015 SC Court of Appeals

Mona L. Manley
P.O. Box 4516
Beaufort, SC 29903-4516

Wanda H. Rowe
Post Office Box 146
Beaufort, SC 29901-0146

Re: *Rebecca Delaney, as Personal Representative of the Estate of Justin Miller, vs. CasePro, Inc.*, Case Number: 2012-CP-07-03782

Dear Ms. Manley and Ms. Rowe:

On October 6, 2015-October 16, 2016, the above case was tried before the Honorable Diane Schafer Goodstein, Circuit Court Judge, in Beaufort County. My records indicate that you were the court reporters for this case.

I request that you provide me with a transcript of the proceedings. Please transcribe the entire record.

I agree to pay the per page charge for this transcript as provided by Rule 607, SCACR.

With kind regards, I remain,

Sincerely yours,

T. David Hoyle

cc: S.C. Court Administration
Clerk, Court of Appeals
Douglas W. Mackelcan, Esq.
D. Gary Lovell, Jr., Esq.



Hoyle, David

From: Wanda Rowe <starsouthreporting@yahoo.com>
Sent: Thursday, November 26, 2015 1:34 AM
To: Hoyle, David
Subject: October 2015 Delaney v CasePro

Hi David,

This will acknowledge receipt of your request received 11-25-15 for the above trial transcript. Feel free to contact me if you need an update on the progress of your transcript. Thank you, Wanda

Wanda H. Rowe, CVR-M
Official Court Reporter
Post Office Box 146
Beaufort, South Carolina 29901-0146
843-415-8565
StarSouthReporting@yahoo.com



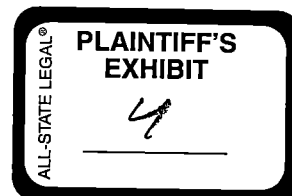
Hoyle, David

From: Manley, Mona L. <mmanley@sccourts.org>
Sent: Wednesday, January 06, 2016 8:02 AM
To: Hoyle, David
Subject: Delaney v Miller, CasePro order letter
Attachments: delaneyorder.doc

Please find attached a letter acknowledging your transcript order. I was the reporter who covered the case only on the 6th of October, 2015, which included the jury selection and various argument. The remaining days of the trial were covered by Wanda Rowe and you should have received a similar letter from her. The payments are separate as to each reporter.

Mona Manley
Official Circuit Court Reporter
South Carolina Judicial Department
Po Box 4516
Beaufort, SC 29906-4516
(850) 893-6662

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Mona Manley, Court Reporter  
South Carolina Judicial Department  
P.O. Box 4516  
Beaufort, SC 29903  
850-893-6662  
[mmanley@sccourts.org](mailto:mmanley@sccourts.org)

Date: 1-5-2015

Re: Acknowledgement as to transcript order

Transcript information:

Date of Case: 10-6-2015

Caption: delaney v. Justin Miller and CasePro

Case No.: 2012CP0703782

Estimated pages: 150

Amount due: 487.50

To Whom It May Concern:

This is to acknowledge that a request in the above-referenced case was received.

As per Rule 607 the above amount is due for the transcript. Upon receipt of that amount I will be able to put your transcript in line for typing. If there is a difference in cost at the time of delivery the amount owed to/from will be settled upon delivery.

Under our rules 60 days are given within which to complete the transcript after receipt of the cost stated above. You will be notified if any extensions are approved by Court Administration beyond 60 days.

If you desire to cancel the request for the transcript, a cancellation request must be made in writing. You will be responsible for any portion of the transcript that has been completed.

Should any questions arise regarding the above information, please contact me at address or phone number provided above.

Payments should be payable to Mona Manley. Thank you for your transcript request.

Sincerely,

Mona Manley





www.motleyrice.com

"I will stand for my client's rights.  
I am a trial lawyer."  
-Ron Motley (1944-2013)

28 Bridgeside Blvd.  
Mt. Pleasant, SC 29464  
o. 843.216.9000 f. 843.216.9450

**Chennise N. Staley**  
**Paralegal**  
direct: 843-216-9513  
cstaley@motleyrice.com

January 7, 2016

**VIA U.S. Mail**

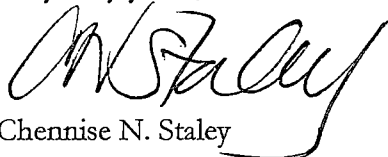
Mona Manley  
South Carolina Judicial Department  
P.O. Box 4516  
Beaufort, SC 29903

**Re: Payment for Trial Transcript October 6, 2015**  
**Delaney(Miller) vs. CasePro, Inc. Case No.: 2012CP0703782**

Dear Mona:

Please find enclosed payment in the amount of \$487.50, per your invoice sent via email on January 6, 2016 to attorney T. David Hoyle.

Very truly yours,

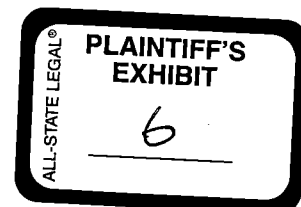


Chennise N. Staley

CNS

Enclosure

cc: T. David Hoyle, Esq.



**VOID VOID**  
Motley Rice LLC (843) 216-9000  
P.O. Box 650001, Mt. Pleasant, SC 29465  
\*\*\*\*Void after 180 days\*\*\*\*

**VOID**

Operating Account 0107 W  
Wells Fargo Bank, N.A.  
67-776/532

110208

**VOID VOID VOID**  
Pay Exactly Four hundred eighty seven and 50/100 Dollars

Date 01/07/16 Amount \*\*\*\$487.50

Pay to the Order Of

Mona Manley  
PO Box 4516  
Beaufort SC 29903

099323

**VOID VOID VOID**



SECURITY FEATURES INCLUDED. DETAILS ON BACK

| 099323   | <u>Mona Manley</u>                             | <u>\$487.50</u> | <u>01/07/16</u> | <u>110208</u> |
|----------|------------------------------------------------|-----------------|-----------------|---------------|
| 125100   | Mona Manley-Order for trial transcript Oct 6 - | \$487.50        |                 |               |
| 990201   | Client Costs Advanced Type 1                   |                 |                 |               |
| 504785-0 | Mt Pleasant - G&A                              |                 |                 |               |
|          | Miller, Justin N                               |                 |                 |               |

## Staley, Chennise

---

**From:** Wanda Rowe <starsouthreporting@yahoo.com>  
**Sent:** Monday, February 01, 2016 11:07 PM  
**To:** Staley, Chennise  
**Subject:** Re: Delaney v Miller, CasePro Trial Case. No. 2012-CP-03782/ Appeal Case No. 2015-00246 order letter  
**Attachments:** 10-7-15-Delaney-Trial-ORIGINAL.pdf; 10-7-15-Delaney-Trial-kwi.pdf; 16-004-HOYLE.pdf

My printer ran out of toner about halfway through printing the transcript. I am so sorry. I could not find a toner cartridge this weekend to replace it. So, attaching a pdf of the transcript, keyword index, and statement. Will forward hardcopy just as quickly as I get another cartridge.

Though, if you don't need a hardcopy, let me know, and then, deduct the the cost of postage and binders from the statement.

BTW, is there a specific program that your firm uses to read/copy/paste emailed transcripts?

Wanda H. Rowe, CVR-M  
Official Court Reporter  
Post Office Box 146  
Beaufort, South Carolina 29901-0146  
StarSouthReporting@yahoo.com  
843-415-8565

On Sunday, January 31, 2016 3:15 PM, Wanda Rowe <starsouthreporting@yahoo.com> wrote:

Hi Chennise,

Shipping the transcript tomorrow, along with the statement. Thank you, Wanda

Wanda H. Rowe, CVR-M  
Official Court Reporter  
Post Office Box 146  
Beaufort, South Carolina 29901-0146  
StarSouthReporting@yahoo.com  
843-415-8565

On Thursday, January 21, 2016 7:26 AM, "Staley, Chennise" <cstaley@motleyrice.com> wrote:

Hello Wanda:

Hope all is well. Did you get our order for the trial transcript in the above listed case. We are appealing it. I received an invoice from Mona, but do not have one from you. Did you s



If so, I have not received it. Do you mind sending me an invoice for the trial transcript of October 6<sup>th</sup>-October 16<sup>th</sup>, with exhibits. I have attached the correspondence submitting our request for it.

Thank you so kindly,

Chennise Staley

**Chennise Staley** | Paralegal | Motley Rice LLC  
28 Bridgeside Blvd. | Mt. Pleasant, SC 29464  
o. 843.216.9513 | f. 843.216.9450 | [cstaley@motleyrice.com](mailto:cstaley@motleyrice.com)

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"I will stand for my client's rights.  
I am a trial lawyer."  
-Ron Motley (1944-2013)

**T. David Hoyle**  
*Licensed in FL, GA, SC*  
direct: 843-216-9136  
dhoyle@motleyrice.com

**RECEIVED**

FEB 05 2016

SC Court of Appeals

February 3, 2016

**Via U.S. Mail**

The Honorable Rosalyn W. Frierson  
Director, South Carolina Court Administration  
1015 Sumter Street, Suite 200  
Columbia, South Carolina 29201

Re: Rebecca Delaney, as Personal Representative of the Estate of Justin Nicholas Miller,  
Appellant, v. CasePro, Inc., Respondent  
Appellate Case No. 2015-002466

Dear Ms. Frierson:

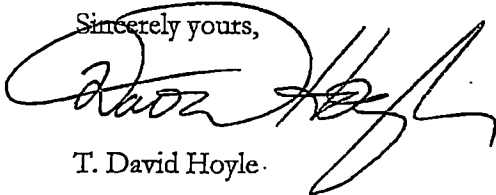
I write pursuant to Rule 207(a)(5), SCACR.

On November 20, 2015, the transcript of the proceedings in this case was ordered.

As of this day, appellant has received the portion of the transcript from Ms. Wanda H. Rowe electronically and has been advised that a hard copy is forthcoming by U.S. mail, but has not received the portion of the transcript from Ms. Mona L. Manley.

With kind regards, I remain,

Sincerely yours,



T. David Hoyle

TDH/cns

cc: Clerk, Court of Appeals  
Crystal Castleberry, Esq.  
Douglas Mackelcan, Esq.  
Gary Lovell, Esq.  
Wanda H. Rowe  
Mona L. Manley

## Hoyle, David

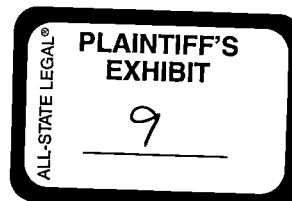
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**From:** Manley, Mona L. <mmanley@sccourts.org>  
**Sent:** Tuesday, February 09, 2016 1:48 PM  
**To:** Hoyle, David  
**Cc:** Allen, Desiree  
**Subject:** Delaney v. CasePro  
**Attachments:** casepropaidcheck.PDF

Please find attached a copy of my acknowledgement letter along with a dated check from your firm. You will find in the body of the letter the time lines set forth by statute. Assuming the check was dated the 7th I should have received it mid January, thus putting the due date 60 days from that date. Thanks for your inquiry and I will make sure to get the transcript to you as soon as possible.

Mona Manley  
Official Circuit Court Reporter  
South Carolina Judicial Department  
Po Box 4516  
Beaufort, SC 29903-4516  
(850) 893-6662

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Mona Manley, Court Reporter
South Carolina Judicial Department
P.O. Box 4516
Beaufort, SC 29903
850-893-6662
mmanley@sccourts.org

Date: 1-5-2015

Re: Acknowledgement as to transcript order

Transcript information:

Date of Case: 10-6-2015
Caption: delaney v. Justin Miller and CasePro
Case No.: 2012CP0703782 Estimated pages:150
Amount due: 487.50

To Whom It May Concern:

This is to acknowledge that a request in the above-referenced case was received.

As per Rule 607 the above amount is due for the transcript. Upon receipt of that amount I will be able to put your transcript in line for typing. If there is a difference in cost at the time of delivery the amount owed to/from will be settled upon delivery.

Under our rules 60 days are given within which to complete the transcript after receipt of the cost stated above. You will be notified if any extensions are approved by Court Administration beyond 60 days.

If you desire to cancel the request for the transcript, a cancellation request must be made in writing. You will be responsible for any portion of the transcript that has been completed.

Should any questions arise regarding the above information, please contact me at

Motley Rice LLC (843) 216-9000
P.O. Box 650001, Mt. Pleasant, SC 29465
**** Void after 180 days****

Operating Account 0107 W
Wells Fargo Bank, N.A.
67-776/532

110208

Pay Exactly: Four hundred eighty seven and 50/100 Dollars.

Date: 01/07/16
Amount: \$487.50

Pay to the
Order Of

Mona Manley
PO Box 4516
Beaufort SC 29903

099323

John M. Baker

SECURITY FEATURES INCLUDED. DETAILS ON BACK.

ALL-STATE LEGAL®
PLAINTIFF'S
EXHIBIT
10

Hoyle, David

From: Allen, Desiree <DAllen@sccourts.org>
Sent: Thursday, February 11, 2016 12:38 PM
To: Manley, Mona L.; Hoyle, David
Subject: RE: Delaney v. CasePro

For clarification, the transcript request date is listed as 1.11.16, making the transcript due on **3.11.16**.

From: Manley, Mona L.
Sent: Tuesday, February 09, 2016 1:48 PM
To: dhoyle@motleyrice.com
Cc: Allen, Desiree
Subject: Delaney v. CasePro

Please find attached a copy of my acknowledgement letter along with a dated check from your firm. You will find in the body of the letter the time lines set forth by statute. Assuming the check was dated the 7th I should have received it mid January, thus putting the due date 60 days from that date. Thanks for your inquiry and I will make sure to get the transcript to you as soon as possible.

Mona Manley
Official Circuit Court Reporter
South Carolina Judicial Department
Po Box 4516
Beaufort, SC 29903-4516
(850) 893-6662

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## Hoyle, David

---

**From:** Manley, Mona L. <mmanley@sccourts.org>  
**Sent:** Wednesday, March 09, 2016 10:40 PM  
**To:** Hoyle, David  
**Subject:** 10-6-2015 transcript of CasePro jury selection  
**Attachments:** 10-6-2015VOL1PDF.pdf; 10-6-2015pmVOL2PDF.pdf; 10-6-2015pmVOL3PDF.pdf; Inv21MotleyRiceCasePro.pdf

I am attaching the transcript and the invoice which reflects amount remaining due. Please let me know if you would like a paper copy mailed to you.

Thanks,

Mona Manley  
Official Circuit Court Reporter  
South Carolina Judicial Department  
Po Box 4516  
Beaufort, SC 29903-4516  
(850) 893-6662

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o. 843.216.9000 f. 843.216.9450

T. David Hoyle
Licensed in FL, GA, SC
direct: 843-216-9136
dhoyle@motleyrice.com

March 11, 2016

Via U.S. Mail

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Ms. V. Claire Allen
Deputy Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RECEIVED
MAR 14 2016
SC Court of Appeals

Re: Rebecca Delaney, as Personal Representative of the Estate of Justin Nicholas Miller, Appellant,
v. CasePro, Inc., Respondent
Appellate Case No. 2015-002466

Dear Ms. Kitchings and Ms. Allen:

I write in response to Ms. Allen's letter dated March 7, 2016 concerning the above-referenced action. For your convenience as well as the convenience of those copied on this letter, Ms. Allen's letter is attached as Exhibit 1.

First, I received the portion of the transcript from Ms. Mona Manley, an employee of the South Carolina Judicial Department, via email at 10:40 pm on March 9, 2016. It was not until that moment that Appellant had a full transcript of the trial from which this appeal is being taken. Thus, Appellant is still within the time prescribed by the South Carolina Appellate Court Rules to file and serve her initial brief.

Second, your letter is incorrect that Appellant failed to comply with Rule 207, SCACR.¹

Because Ms. Allen's correspondence threatens to dismiss Appellant's appeal, I offer the following timeline for the Court's benefit as well as those persons copied on this letter:

- On November 20, 2015, seven days after the service of the Notice of Appeal, I ordered the transcript of the proceedings in this case by letter addressed to the two South Carolina Judicial

¹ Specifically, Rule 207(a)(5) provides: "If appellant has not received the transcript within the allotted time nor received notification of an extension within ten (10) days after the allotted time, appellant shall notify the Office of Court Administration, the clerk of the appellate court, and the court reporter in writing."

Ms. Kitchings and Ms. Allen
March 11, 2016
Re: Your Letter of March 7, 2016
Page 2

Department employees, Mona Manley and Wanda Rowe, who were the court reporters for the trial which lasted nine (9) days. See Exhibit 2.

- On November 23, 2015, the Court of Appeals received my letter ordering the transcript. Id.
- On November 26, 2015, Ms. Rowe acknowledged receipt of my request for the trial transcript. See Exhibit 3. Ms. Rowe did not request pre-payment.
- On January 6, 2016, Ms. Manley acknowledged receipt of my request for the trial transcript. See Exhibit 4.
- That same day, Ms. Manley requested pre-payment in the amount of \$487.50. See Exhibit 5.
- On January 7, 2016, my office transmitted payment² in the amount of \$487.50 to Ms. Manley. See Exhibit 6.
- On January 29, 2016, the 70 day “trigger” contemplated in Rule 207, SCACR, arose.
- On January 31, 2016, a Sunday, Ms. Rowe advised my office that the transcript would be sent the following day. See Exhibit 7.
- On February 1, 2016, Ms. Rowe emailed a pdf of the transcript, keyword index, and statement to my office. Id. Hard copies of same were subsequently received by my office.
- On February 3, 2016, I wrote South Carolina Court Administration Director Rosalyn Frierson:

I write pursuant to Rule 207(a)(5), SCACR.

On November 20, 2015, the transcript of the proceedings in this case was ordered.

As of this day, appellant has received the portion of the transcript from Ms. Wanda H. Rowe electronically and has been advised that a hard copy is forthcoming by U.S. mail, but has not received the portion of the transcript from Ms. Mona L. Manley.

See Exhibit 8.

- The Clerk of the South Carolina Court of Appeals was carbon copied on my February 3rd letter which was received on February 5, 2016. Id.
- On February 9, 2016, Ms. Manley, who was also carbon copied on my February 3rd letter, wrote me via electronic mail, thanked me for my inquiry, and promised “to get the transcript to you as soon as possible.” See Exhibit 9.
- Ms. Manley attached a pdf to her email containing her prior invoice and my firm’s previously submitted check. See Exhibit 10. Ms. Manley’s correspondence, however, indicates that her

² As of March 11, 2016, this check has not cleared my firm’s operating account.

Ms. Kitchings and Ms. Allen
March 11, 2016
Re: Your Letter of March 7, 2016
Page 3

understanding of the timeframe to complete a transcript does not begin to run until the date pre-payment is received.

- On February 11, 2016, Desiree Allen, the South Carolina Judicial Department's Manager for Court Reporting and Court Interpreters, wrote me via email :

For clarification, the transcript request date is listed as 1.11.16, making the transcript due on **3.11.16**.

See Exhibit 11.

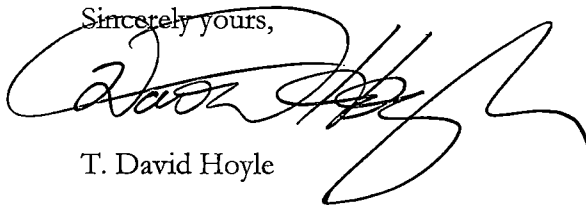
- On March 9, 2016, at 10:40 pm, Ms. Manley emailed me the transcript as well as an invoice seeking an additional payment. See Exhibit 12.

In summary, Appellant did not receive the full transcript of the trial from which an appeal is being taken until 10:40 pm on March, 9, 2016 – some two days after your letter. As set forth above, Appellant has fully complied with the South Carolina Appellate Court Rules concerning the transcript by writing the South Carolina Judicial Department employee court reporters on November 20, 2015, immediately pre-paying anticipated costs when requested, and writing a Rule 207(a)(5) letter to South Carolina Court Administration on February 3, 2016.

I trust that the above responds fully to Ms. Allen's March 7th letter. If not, or if you have any questions concerning the above, please contact me.

With kind regards, I remain,

Sincerely yours,



T. David Hoyle

TDH/cns

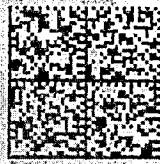
cc: Crystal Castleberry, Esq.
Douglas Mackelcan, Esq.
Gary Lovell, Esq.
The Honorable Rosalyn W. Frierson
Desiree Allen
Wanda H. Rowe
Mona L. Manley



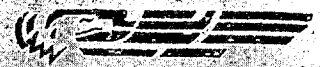
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LLC ATTORNEYS AT LAW

geside Blvd.
Pleasant, SC 29464

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02 4W
0000332443.MAR 11 2016



MotleyRice[®]
LLC ATTORNEYS AT LAW

28 Bridgeside Blvd.
Mt. Pleasant, SC 29464

ADDRESS SERVICE REQUESTED

RECEIVED
MAR 14 2016
SC Court of Appeals

Ms. V. Claire Allen
Deputy Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

