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"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

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."

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Re: Your Letter of March 7, 2016
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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.

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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.

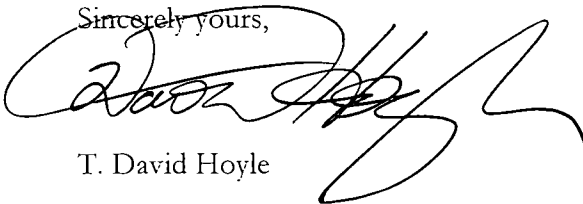
- On March 9, 2016, at 10:40 pm, Ms. Manley emailed me the transcript as well as an invoice seeking an additional payment. See Exhibit 12.

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