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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Robert E. Hood, Circuit Court Judge

Appellate Case No. 2016-000655

RECEIVED
JUN 02 2016
SC Court of Appeals

Johnny Mack Thacker,

Appellant,

v.

Dawonna Tremaine Dawkins and Original Blue Ribbon Taxi Cab
Corporation,

Defendants,

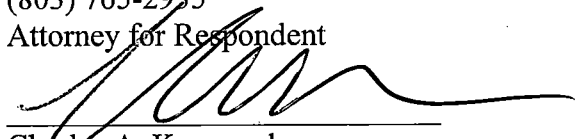
Of whom Dawonna Tremaine Dawkins is the,

Respondent.

**RESPONDENT'S MOTION TO DISMISS APPEAL FOR FAILURE TO TIMELY
ORDER THE TRANSCRIPT OF THE PROCEEDING FROM THE LOWER COURT
AND MEMORANDUM IN SUPPORT**

Respectfully submitted,

FINKEL LAW FIRM, L.L.C.
1201 Main Street, Suite 1800
Post Office Box 1799
Columbia, South Carolina 29202
(803) 765-2935
Attorney for Respondent



Charles A. Krawczyk
SC Bar Number: 16832

Columbia, South Carolina
June 2 2016

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TABLE OF AUTHORITIES

Rules:

Rule 207(a), SCACR8
Rule 240, SCACR4

MOTION

Undersigned counsel for Respondent Dawonna Tremaine Dawkins hereby moves that this appeal be dismissed pursuant to Rule 207(a), SCACR as Appellant Johnny Mack Thacker has failed to timely order and pay for the transcript of the proceeding from the lower court.

MEMORANDUM

Undersigned counsel for Respondent Dawonna Tremaine Dawkins hereby submits this Memorandum of Law in Support of its Motion to Dismiss the appeal filed by Appellant Johnny Mack Thacker pursuant to Rule 240, SCACR. Appellant has failed to timely order and pay for the transcript of the proceeding from the lower court pursuant to Rule 207(a), SCACR. Accordingly, an immediate dismissal of the appeal is required.

I. PROCEDURAL POSTURE

On February 26, 2016, the trial judge entered a final order and judgment in this matter and said order was mailed to Appellant and counsel for the Respondent. On March 28, 2016, Appellant filed his Notice of Appeal. (See Exhibit A). On April 6, 2016, Appellant filed a letter with this Court asking that he be granted an additional ten (10) days to order the transcript of the proceeding from the lower court. (See Exhibit B). On April 11, 2016, this Court issued an order granting the Appellant a thirty (30) day extension stating that he must pay the transcript cost by May 11, 2016. (See Exhibit C). On May 12, 2016, undersigned counsel for Respondent sent a letter to this Court stating that the court reporter had not received payment for the transcript and asking that this appeal be dismissed. (See Exhibit D). On May 18, 2016, undersigned counsel for Respondent received a letter from this Court stating that the relief requested must be submitted in formal motion form. (See Exhibit E). Also on May 18, 2016, this Court sent a letter to Appellant

granting him an additional ten (10) days to notify the Court of the status of the payment for the transcript of his appeal will be dismissed. (See Exhibit F).

II. ARGUMENT

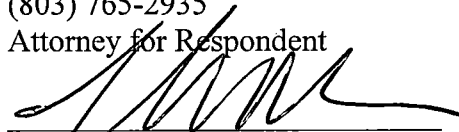
Rule 207(a), SCACR requires that “in appeals from the court of common pleas, masters in equity, specific referees or the family court in domestic actions, the transcript **must be ordered within ten (10) days after the service of the notice of appeal.**” (emphasis added). Appellant filed and served the Notice of Appeal in this matter on March 28, 2016. This Court has granted him two extensions totaling over sixty (60) days to order and pay for the transcript. As of the filing of this Motion, Respondent is informed and believes that Appellant has failed to order and pay for the transcript.

CONCLUSION

Therefore, in accordance with Rule 240, SCACR and this Court’s letter to undersigned counsel dated May 18, 2016, Respondent moves that this appeal be dismissed as Appellant has failed to timely order and pay for the transcript of the lower court proceeding as required by Rule 207(a), SCACR.

Respectfully submitted,

FINKEL LAW FIRM, L.L.C.
1201 Main Street, Suite 1800
Post Office Box 1799
Columbia, South Carolina 29202
(803) 765-2935
Attorney for Respondent



Charles A. Krawczyk
SC Bar Number: 16832

Columbia, South Carolina
June 2, 2016

March 28, 2016

The Honorable Jenay Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RECEIVED
MAR 28 2016
SC Court of Appeals

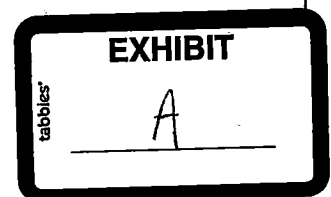
RE: Johnny Mack Thacker v. Dawsonna Dawkins
and Original Blue Ribbon Taxi Cab Corporation,
Case No. 2014-CP-40-7022

Dear Ms. Kitchings:

Enclosed for filing is a Notice of appeal in
the above case. Also enclosed are the following:

- (1) Proof of service of the Notice of appeal on respondents.
- (2) A copy of the order which is to be challenged on appeal.
- (3) A filing fee of \$100.00

[Attached page]



Sincerely,
Johnny Mack Shacker
Plaintiff Pro Se
1642 Cox Street
Columbia, South Carolina 29204
(803) 748-9472

cc: Carl Hiller
Charles Krawczyk
1201 Main Street, Suite 1800
Post Office Box 1799
Columbia, South Carolina 29201

The State of South Carolina
IN The Court of Appeals

RECEIVED

Appeal From Richland County
Court of Common Pleas

MAR 28 2016
SC Court of Appeals

Robert E. Hood, Circuit Court Judge

Case NO. 2014-CP-40-7022

Dawonwa Tremaine Dawkins and Original
Blue Ribbon Taxi Cab Corporation Respondents,

VS.

Johnny Mack Thacker Appellant.

Notice of Appeal

Johnny Mack Thacker appeals The Order of The
Honorable Robert E. Hood dated February 23, 2016.
Appellant received written Notice of entry of This
Order on or about February 29, 2016.

March 28, 2016

[Attached page]

Johnny Mack Thacker
Plaintiff Pro Se
1642 Cox street
Columbia, South Carolina 29204
(803) 748-9472

cc: Carl Hiller
Charles Krawlyzk
1201 Main street, Suite 1800
Post office Box 1799
Columbia, South Carolina 29201

The state of South Carolina
In The Court of Appeals

Appeal From Richland County
Court of Common Pleas
Robert E. Hood, Circuit Court Judge

RECEIVED

MAR 28 2016

SC Court of Appeals

Case No. 2014-CP-40-7022

Dawonna Tremaine Dawkins and Original Blue
Ribbon Taxi Cab Corporation Respondents,

VS.

Johnny Mack Thacker Appellant.

Proof of Service

I Certify That I have Served The Notice of Appeal
on Dawonna Tremaine Dawkins and Original Blue
Ribbon Taxi Cab Corporation by personally delivering
a Copy of it To Their attorneys of record, Carl Hiller
and Charles Krawczyk at Their office at 1201

[See attached Page]

Main Street, Suite 1800, Columbia, South Carolina
29201, ON March 28, 2016.

March 28, 2016

At Johnny Mack Shacker

Plaintiff As Se

1642 Cox Street

Columbia, South Carolina 29204

(803) 748-9472

April 6, 2016

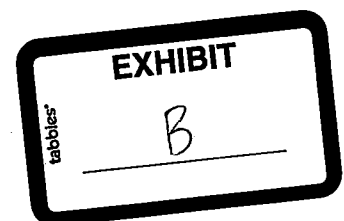
The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
1015 Sumter Street
Columbia, SC 29201

RECEIVED
APR 06 2016
SC Court of Appeals

RE: Johnny Mack Thacker v. Dawsonna Tremaine
and Original Blue Ribbon Taxi Cab
Corporation, Defendants,
of whom Dawsonna Tremaine Dawkins
is the Respondent,
Appellant Case No. 2016-000655

Dear Ms. Kitchings:

Please allow this letter to respectfully
request an additional ten (10) day extension
of time in which to order the transcript in
in the above referenced matter along with



The \$ 25.00 required filing fee.

Plaintiff does not have the estimated cost of \$ 585.00 for the transcript. See attached Ms. Stacy S. Johnson's correspondence providing the estimated cost of the transcript. By copy of this letter, Plaintiff is serving all parties with this request. Thank you for your time and assistance.

Sincerely,
Johnny Mark Shocker
Plaintiff Pro Se
1642 Cox Street
Columbia, SC 29204

cc:

Carl Hiller, Esquire

Charles A. Kowatzk, Esquire



RECEIVED
APR 06 2016
SC Court of Appeals

STATE OF SOUTH CAROLINA

THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT

STACY S. JOHNSON, RPR
CIRCUIT COURT REPORTER
SJOHNSON@SCCOURTS.ORG

125 FIREBRIDGE DRIVE
CHAPIN, SC 29036
803-622-6989

March 8, 2016

Johnny Mack Thacker
1642 Cox Street
Columbia, SC 29204

In re: Johnny Mack Thacker vs. Dowanna Dawson; 2014-CP-40-7022

Dear Mr. Thacker,

In response to your letter which I received on February 27, 2016, I have estimated the trial in your case to be approximately 180 pages in length. The proceedings consisted of pretrial motions on February 8, 2016, pretrial motions and jury selection on February 9, 2016, and the trial, which was held on February 11, 2016.

I have estimated the transcript to be approximately 180 pages in length. At our rate of \$3.25 per page, the cost of the transcript would be \$585.00. As soon as I receive a money order payable to Stacy S. Johnson in the amount of \$585.00, I will proceed with the transcription.

If you need anything further, please let me know.

Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Stacy S. Johnson".

Stacy S. Johnson, RPR
Circuit Court Reporter

CC: Court Administration

The South Carolina Court of Appeals

Johnny Mack Thacker, Appellant,

v.

Dawonna Tremaine Dawkins and Original Blue Ribbon
Taxi Cab Corporation, Defendants,

Of whom Dawonna Tremaine Dawkins is the
Respondent.

Appellate Case No. 2016-000655

The Honorable Robert E. Hood
Richland County
Trial Court Case No. 2014CP4007022

ORDER

The Court has received a request for extension to pay the transcript cost from the appellant. The motion is Granted. The transcript cost must be paid, and the Court notified by May 11, 2016.

FOR THE COURT

BY V. Claire Allen, Deputy
CLERK

Columbia, South Carolina
cc:
Johnny Mack Thacker
Carl David Hiller, Esquire
Charles A. Krawczyk, Esquire

FILED

JS 4/11/16

EXHIBIT

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C



Charles A. Krawczyk, Esquire
ckrawczyk@finkellaw.com

Reply to Columbia
(803) 765-2935
VIA US MAIL

May 12, 2016

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

Re: **Johnny Mack Thacker v. Dawonna Dawkins et. al.**
Appellate Case No. 2016-000655
Our File 11300-48911

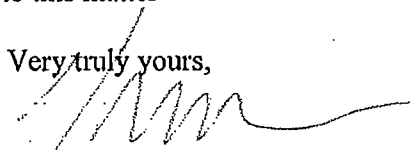
Ms. Kitchings,

I represent the Respondent Dawonna Dawkins in the above referenced appeal. The Appellant Johnny Mack Thacker sought and was granted an extension of time in which to pay the transcript costs. On April 11, 2016 the Court entered an Order stating that the transcript cost must be paid and the Court notified by May 11, 2016.

Mr. Thacker has failed to comply with the Court's order. As of this morning we have received no service of notice to the Court of payment. Further, this morning I confirmed with the court reporter Stacy S. Johnson that Mr. Thacker has not paid for the transcript and has not communicated with her in any way. As such I would request that Mr. Thacker's appeal be dismissed.

Thank you for your attention to this matter

Very truly yours,


Charles A. Krawczyk

Cc: Johnny Mack Thacker Blue Ribbon Cab Co.,
Anthony Charles, Carl Hiller.

COLUMBIA
1201 Main Street, Suite 1800
Post Office Box 1799 (29202)
Columbia, SC 29201
Tel: (803) 765-2935
Fax: (803) 252-0786

CHARLESTON
Litigation, Real Estate & REO
3955 Faber Place Drive, Suite 200
Post Office Box 225 (29402)
North Charleston, SC 29405
Tel: (843) 577-5460

CHARLESTON
Foreclosure
3955 Faber Place Drive, Suite 200
Post Office Box 71727 (29415)
North Charleston, SC 29405
Tel: (843) 577-5460

EXHIBIT

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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

May 18, 2016

Mr. Charles A. Krawczyk, Esquire
PO Box 1799
Columbia SC 29202

Re: Johnny Thacker v. Dawonna Dawkins
Appellate Case No. 2016-000655

Dear Counsel:

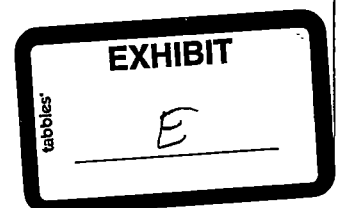
We have received your correspondence dated May 12, 2016 and construe it to be a request for dismissal of the above mentioned appeal. Please be advised that any relief you are looking for from the Court must be submitted in formal motion form, with a proof of service, and the appropriate filing fee. The fee for filing a motion is \$25.00.

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: Johnny Mack Thacker
Carl David Hiller, Esquire





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

May 18, 2016

Johnny Mack Thacker
1642 Cox Street
Columbia SC 29204

Re: Johnny Thacker v. Dawonna Dawkins
Appellate Case No. 2016-000655

Dear Mr. Thacker:

The Court has not received any correspondence on the status of payment of the transcript per order of the Court dated April 11, 2016. You must notify the Court of the status within ten (10) days of the date of this letter or your appeal will be dismissed.

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: Carl David Hiller, Esquire
Charles A. Krawczyk, Esquire

EXHIBIT

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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Robert E. Hood, Circuit Court Judge

Case No. 2016-000655

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SC Court of Appeals

Johnny Mack Thacker.....Appellant,

v.

Dawonna Tremaine Dawkins and original Blue Ribbon Taxi Cab Corporation
Respondent.....Defendants,

Of whom Dawonna Tremaine Dawkins is the, Respondent.

PROOF OF SERVICE

I certify that I have served a copy of the Respondent's Motion to Dismiss Appeal for Failure to Timely Order the Transcript of the Proceeding from the Lower Court and Memorandum in Support on the Appellant, by depositing a copy of it in the United States Mail, postage prepaid, on June 2, 2016, addressed to Johnny Mack Thacker, 1642 Cox Street, Columbia, SC 29204.

June 2, 2016


Charles A. Krawczyk (SC Bar #16832)
FINKEL LAW FIRM LLC
1201 Main Street, Suite 1800
P.O. Box 1799 (29202)
Columbia, South Carolina 29201
T: 803-765-2935
Attorneys for Respondent

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JUN 02 2016

SC Court of Appeals

June 2, 2016

Margaret M. Rock
Senior Litigation Paralegal
mrock@finkellaw.com

Reply to:
Columbia Office

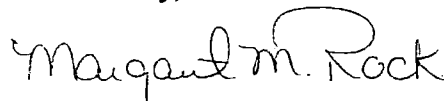
Johnny Mack Thacker
1642 Cox Street
Columbia, SC 29204

RE: **Johnny Mack Thacker v. Dawonna Dawkins et. al.**
Civil Action No: 2016-000655
Our File 11300-48911

Dear Mr. Thacker:

Enclosed please find a copy of the Respondent's Motion to Dismiss Appeal for Failure to Timely Order the Transcript of the Proceeding from the Lower Court and Memorandum in Support, which we are herewith serving upon you by mail. The original is being filed with the Court of Appeals today.

Sincerely,



Margaret M. Rock
Senior Litigation Paralegal

/mmr
Enclosure