

June 12th, 2016

The Honorable James E. Lockemy
Chief Judge - Court of Appeals
1220 Senate Street
Columbia, SC 29201

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JUN 15 2016

SC Court of Appeals

Ref: Perez vs. South Carolina Department of Labor, Licensing, and Regulation ,
Case # 2016-000562; Motion Objecting to the Clerk of Court Order Directing Ms.
Perez to order the Court Reporter's transcript.

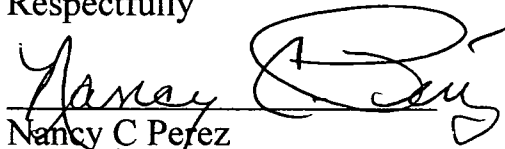
Dear Judge Lockemy

Attached hereto please find a copy of the referenced motion and true and correct
copies of (1) the certificate of mailing from the United States Post office dated
May 11th, 2016 and (2) the court of appeals docket , (3) a true and correct copy of
the \$25.00 money order

The documentation shows that Ms. Perez filed the referenced Motion¹ on May 11th,
2016 . The Court of Appeals's docket shows that the referenced motion has not
been docketed nor ruled upon.

Wherefore Ms. Perez respectfully requests that the Clerk of Court be directed to
docket the motion and refer the same to be ruled upon.

Respectfully



Nancy C Perez
713 E. Greenville St - D220
Anderson, SC 29621
281-746-4948

CC: Donnell G. Jennings , Esq

¹ SCRAP, 262(b) Service by mail is complete upon mailing.

South Carolina Appellate Case Management :

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Only filed documents can be viewed. Some documents received in a ca
Some documents originating from a lower court, including records and appe

Case Information: 2016-000562

Court:	Court of Appeals	Classification:
Short Title:	Nancy Perez v. SCDLLR(3)	Case Status:
	View Full Title	
Consolidated:		
Filed Date:	03/14/2016	Oral Argument
Disposition Date:		Disposition Typ
Remittitur Date:		
Lower Court or Tribunal:	Anderson (2014CP0401780)	

- Party Information

Appellate Role	Party Name	Former
Appellant	Nancy C. Perez	N
Respondent	SCDLLR	N

Views

Display:

Event Information

Filed Date	Event Information
04/26/2016	Non-Dispositional Decision - Withdrawn or Ended and returning
04/18/2016	Correspondence - Incoming (Other) filed by respondent
04/18/2016	Transcript Documents - Other Correspondence (respondent orc
04/14/2016	Motion - Extension of Time (1st) filed by respondent
03/29/2016	Designation of Matter - Designation of Matter Filed by appellan
03/24/2016	Correspondence - Incoming (Other) document titled "record or
03/24/2016	Initial Brief - Appellant (returned)
03/17/2016	Correspondence - Outgoing notice of appeal initial letter
03/14/2016	Notice of Appeal (Civil) - Initial

Case # 2016-000562

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM ANDERSON COUNTY, SOUTH CAROLINA
COURT OF COMMON PLEAS

HON R. SCOTT SPROUSE, CIRCUIT JUDGE

Case # 2014-CP-04-01780

NANCY C. PEREZ

Petitioner

Vs

SOUTH CAROLINA
DEPARTMENT OF LABOR, LICENSING AND REGULATION –
BOARD OF NURSING

Respondent

**MOTION OBJECTING TO THE CLERK OF
COURT ORDER DIRECTING MS . PEREZ
TO ORDER THE COURT REPORTER'S TRANSCRIPT**

Nancy C. Perez hereby objects to the Clerk of Court Order dated April 26,
2016. As grounds therefore she shows:

- 1- On March 21st, 2016 Ms. Perez submitted to the Appellate Court (a) the initial Appellate Brief and the Record on Appeal. **Ms Perez made no reference therein to the court's reporter's transcript.**
- 2- By Order dated April 26th, 2016 the Clerk of Court returned Ms. Perez' initial Appellate Brief and the Record on Appeal purportedly because they are premature. It also ordered Ms. Perez to order the Court's Reporter Transcript. Ms. Perez , adamantly, but respectfully objects.
- 3- The Appellate Rules only require Ms. Perez to include in the Appellate Record matters which she believes are relevant to the appeal¹. In Federal Courts Appellants are only required to order the court reporter's transcript if they believe is necessary². Ms. Perez emphasizes that she made no reference to the court reporter's transcript in her initial brief.
- 4- The only penalty imposed by the Appellate Court Rules for failing to include matters relevant to the Appeal is that the appellate court will not consider any fact which does not appear in the Record on Appeal³.

¹ *Forner v. Butler* , 319 S.C. 275, 460 S.E.2d 425 (S.C.App. 07/24/1995) FN1 citing Rule 208 (b), SCACR.

² *United States on Behalf of Cal's A/C and Electric v. Famous Construction Corporation*, 220 F.3d 326 (5th Cir. 05/16/2000) citing Fed. R. App. P. 10(b)(1),

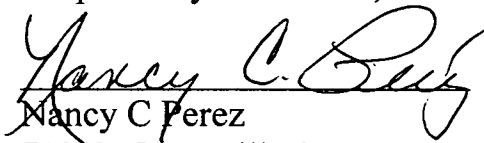
³ *Id* citing former Appellate Rule 209(h) now Appellate Rule 210(h)

Conclusion

Wherefore, Ms. Perez respectfully submits that the Clerk of Court's Order be quashed and the Appellate case allowed to proceed. Furthermore Ms. Perez respectfully requests pursuant to Rule 60(a)⁴, SCRPC, that the \$25.00 Motion fee be waived.

The Clerk of Court had over 30 days to review Ms. Perez' Initial Appellate Brief in order to determine whether there were any deficiencies. Assuming, arguendo, that Ms. Perez is, somehow, required to pay for the court reporter's transcript then Ms. Perez respectfully submits that the period of time the initial appellate brief was before the clerk of court toll the time to request a transcript pursuant to Rule 207, SCACR.

Respectfully Submitted,

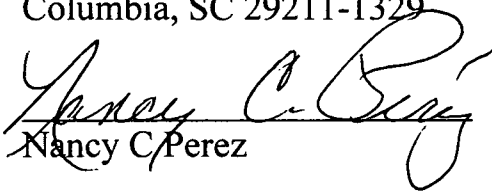

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⁴ Collins Entertainment Corp. v. Columbia "20" Truck Stop, Inc., 343 S.C. 257, 343 S.C. 257, 539 S.E.2d 699, 539 S.E.2d 699 (S.C. 11/20/2000)

CERTIFICATE OF SERVICE

It is hereby certified that a copy of the foregoing “ Motion Objecting to the clerk of court order directing Ms. Perez to order the court reporter’s transcript” was delivered by mailing a copy thereof on May 11th, 2016 to :

Donnell G. Jennings , Esq
South Carolina Department of Labor , Licensing
And Regulation
PO Box 11329
Columbia, SC 29211-1329


Nancy C Perez



Certificate of Mailing

This Certificate of Mailing provides evidence that mail has been presented to USPS® for mailing. This form may be used for domestic and international mail.

From: Nancy C Perez
713 E Greenville St D 220
Anderson S.C. 29621

To: Donnell G Jennings Esq.
5C DLR
Po Box 11329
Columbia S.C. 29211-1325

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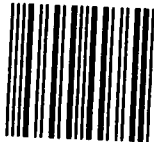
From: Nancy C Perez
713 E Greenville St D 220
Anderson S.C. 29621

To: Ms Jenny Abbott Kitchings
Clerk of Court S.C.C.A
PO Box 11629
Columbia S.C. 29211

PS Form 3817, April 2007 PSN 7530-02-000-9065



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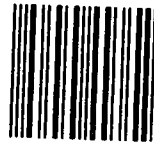


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REF: 2016-000562
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Payable Through: Nancy C Perez

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ADDRESS / DIRECCIÓN: 713 E Greenville, 29621

AMOUNT: TWENTY-FIVE DOLLARS 00 CENTS

DATE: 05/11/2016

Serial Number: 605290839610095
0033600132109562

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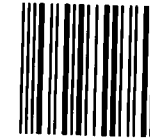
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Ms Nancy C Perez
713 E. Greenville St - D220
Anderson, SC 29621



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