

STATE OF SOUTH CAROLINA)
) COURT OF GENERAL SESSIONS
COUNTY OF ANDERSON)

George C. McCullough,)
)
Plaintiff,)
)
v.) Case No. 16-CP-04-0560
)
Author Solutions, LLC)
)
Defendant.)

TRANSCRIPT OF HEARING

The within Hearing in the above-captioned matter was held on March 30, 2017, before The Honorable R. Scott Sprouse in the Anderson County Court of Common Pleas; attended as follows:

APPEARANCES:

George C. McCullough
1106 Erskine Road
Anderson, South Carolina 29621
Appearing *Pro Se*

Chad Shelton, Public Defender
219 Highway 52
Moncks Corner, South Carolina 29461
Appearing for Defendant

*Prepared by Deborah Garrison, 13th Circuit Court Reporter
on behalf of*

Vivian H. Cross
Official Circuit Court Reporter
P O Box 704
Belton, South Carolina 29627
vcross@sccourts.org

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CLERK: George McCullough versus Author Solutions, LLC. This is a Motion.

THE COURT: Mr. McCullough, please have a seat.

MR. McCULLOUGH: Yes, sir.

THE COURT: (Upon review of file), -- who is the attorney on the other side?

CLERK: This is what we have, (tenders file to Judge Sprouse).

THE COURT: (Reviewing).

CLERK: And notices and everything were sent to the company's address.

THE COURT: Okay.

CLERK: At one time that attorney responded to us but she is just not listed in the system for some reason, so I -- so I'll have somebody from the Clerk's office bring the paper copy file up.

THE COURT: Okay.

CLERK: Because I know that there was a female attorney who did file something.

THE COURT: There was an attorney here when we had the previous hearing. Mr. McCullough, have you received any contact

1 from an attorney?

2 MR. McCULLOUGH: The last attorney that
3 I heard from was --- (interrupted).

4 THE COURT: Okay.

5 MR. McCULLOUGH: I had some document
6 where I'd, but that's ---

7 THE COURT: Okay. I'm looking at the
8 file, (reviewing).

9 MR. McCULLOUGH: Yes, sir.

10 THE COURT: (Upon review), I see that
11 the notice went to the defendant Author
12 Solutions, a Canadian corporation.

13 CLERK: Yes, sir.

14 THE COURT: No attorney is listed.

15 CLERK: Yes, sir, that's right. It was
16 mailed directly to Author Solutions, to an
17 address in ---

18 THE COURT: Bloomington, Indiana.

19 CLERK: --- Bloomington, Indiana.
20 Yes, sir.

21 THE COURT: Yeah, that's -- uh, but
22 it's, uh, -- (pause).

23 And the e-file that I have here basically
24 begins with the Form 4 from when I heard this
25 back in December.

1 CLERK: Yes, sir.

2 THE COURT: So I don't have any
3 information prior to that.

4 I will note for the record that this case
5 was heard, -- that this is an appeal from the
6 magistrate's court.

7 This was heard by the Court previously
8 and remanded to magistrate's court, so that
9 the magistrate could issue a formal Order
10 setting forth full findings of fact and the
11 applicable law.

12 Judge Eubanks did so. We received an
13 Order from the magistrate's court which is
14 dated March 13th, 2017, setting forth full
15 findings of facts and law, dismissing the
16 plaintiff's case.

17 Now, we are back here for an appeal of
18 that Order. Of course we are now at that
19 hearing, no one on behalf of the defendant
20 has appeared. However it appears that notice
21 was sent directly to the party and not to the
22 attorney.

23 So, uh, this is what -- this is what
24 we'll do. Mr. McCullough, I am going to go
25 ahead and hear -- you submitted a memo that

1 Code section 15-7-30, (affirmative nod).

2 MR. McCULLOUGH: Yes, sir.

3 THE COURT: --- factors to consider.

4 Okay.

5 MR. McCULLOUGH: And the law code was
6 irrelevant, didn't have any basis for the
7 dismissal because the summary court does have
8 jurisdiction to hear small claims cases from
9 courts outside of South Carolina.

10 Again, Judge Eubanks, she, uh, dismissed
11 it because it was outside the state of South
12 Carolina.

13 THE COURT: Well, ---

14 MR. McCULLOUGH: Judge Eubanks, she --
15 she, uh, she identified it as being -- she
16 identified the company as being a domestic --
17 as being a domesticated company but that they
18 were not allowed to be sued in the state of
19 South Carolina because South Carolina courts
20 had no jurisdiction.

21 But, uh, the state statute that she gave
22 for the small claims case does give the State
23 of South Carolina jurisdiction to hear a
24 claim in small claims court.

25 THE COURT: Okay. Okay, Mr.

1 McCullough, again I have the memo that you've
2 submitted which I am going to read. Is there
3 anything else that you would like to tell me?

4 MR. McCULLOUGH: Let's see, (review-
5 ing). Yes. Among the reasons that she gave
6 for dismissing the claim, she stated that the
7 -- that the arbitration clause that required
8 a case be heard; and, finally, that the --
9 and, uh, the arbitration clause does allow
10 for a plaintiff to bring a claim directly in
11 small claims court in South Carolina.

12 THE COURT: Okay. All right. Thank
13 you, Mr. McCullough. I am going to take it
14 under advisement.

15 I'm going to give the defendant ten (10)
16 days to submit a brief.

17 I have the file. I'll let you know my
18 ruling. Thank you, sir.

19 MR. McCULLOUGH: Thank you.

20 (HEARING CONCLUDED)

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State of South Carolina
The Circuit Court of the 13th Judicial Circuit

Deborah A. Garrison
Circuit Court Reporter

October 8, 2017

P O Box 27145
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dgarrison@sccourts.org

George C. McCullough
1106 Erskine Road
Anderson, South Carolina 29621

IN RE: George C. McCullough v Author Solutions, L.L.C.
Case No. 17-CP-04-1448
Hearing of March 30, 2017
Before The Honorable R. Scott Sprouse

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George C. McCullough
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The Honorable Tonnya K. Kohn
Interm Director, South Carolina Court Administration
1220 Senate Street, Suite 200
Columbia, SC 29201

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SC COURT OF APPEALS

George C. McCullough v. Author Solutions, LLC Case No. 2016-CP-04-00560

Dear Honorable Tonnya K. Kohn:

thank you for your help in gaining the required transcript for my pending case. I now have that transcript and included it with this letter. Do know a copy has been forwarded to the Clerk of the Court of Appeals and the Respondent Authors Solutions, LLC.

Should this letter be unclear, or if there are any other matters needed to be addressed, contact me by any of the information posted above.

With Kind Regards,


George McCullough

CC: Clerk Jenny A. Kitchings, South Carolina Court of Appeals

October 17, 2017

George C. McCullough
1106 Erskine Rd
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Honorable Jenny Abbot Kitchings
Clerk of the South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29201

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SC Court of Appeals

George C. McCullough v. Author Solutions, LLC Case No. 2016-CP-04-00560

Dear Honorable Jenny Abbot Kitchings:

this letter is with regards to South Carolina Appeals Court Rule 207: Transcript of the Proceeding. By this rule a copy of the hearing on the Respondent's Motion to Dismiss, heard before the Honorable Judge R. Scott Sprouse of the Anderson County Court of Appeals and General Sessions on March 31, 2017 be made available to the Court of Appeals. That transcript is enclosed with this letter.

One copy each of this brief has already been served on the Respondent Author Solutions, LLC; and the Director of South Carolina Court Administrator.

For any matters of concern with this letter, please write the above mailing address, or call the phone number listed. Quickest way of contact is at the email address given.

I thank you, and apologize in advance if this request is of an inconvenience.

Sincerely,


George C. McCullough

October 17, 2017

Cc: Author Solutions, LLC; Tonnya K. Kohn, Office of Court Administration

George McCullough
1106 Erskine Rd
Anderson, SC 29621

Honorable Jenny Abbot Kitchings
Clerk of the South Carolina Court of Appeals
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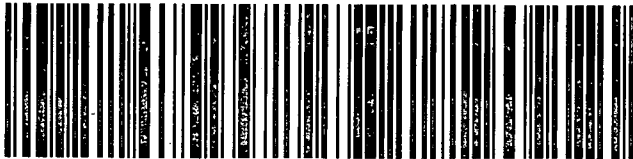
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