



WHEN IT'S WORTH FIGHTING FOR

JAMES G. CARPENTER
james.carpenter@carpenterlawfirm.net
SERVING S.C. AND N.C.

October 12, 2017

The Honorable Jenny Abbott Kitchings
Clerk of SC Court of Appeals
PO Box 11629
Columbia, SC 29211

RECEIVED
OCT 16 2017
SC Court of Appeals

ATTN. V. Claire Allen, Deputy Clerk

Re: *South Carolina Public Interest Foundation et al. vs. The City of Columbia, et al*
Appellate Case No. 2017-000617

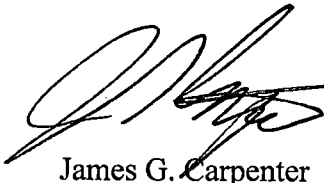
Dear Ms. Kitchings:

In response to your letter dated October 5, 2017, and in support of our Motion to Reinstate the Appeal, we attach all correspondence with Court Administration and the court reporter, including proof of payment, as follows:

- Exhibit A: Correspondence with Crystal Holmes, Desiree Allen, and Harriet Bennett including a copy of the canceled check showing payment for the transcript.
- Exhibit B: Email string among Elizabeth Harris, Judge Manning's office, and myself, attempting to find the court reporter who transcribed the hearing, and including my initial request to Elizabeth Harris for a transcript dated April 13, 2017.
- Exhibit C: Separate email string between Elizabeth Harris and me attempting to track down who might have been the court reporter at the hearing.

If you need anything else, please telephone me. Thank you very much.

Sincerely yours,
THE CARPENTER LAW FIRM, PC



James G. Carpenter

CC w/ encl: Ray N. Stevens
Burnet R. Maybank III



WHEN IT'S WORTH FIGHTING FOR

JAMES G. CARPENTER
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SERVING S.C. AND N.C.

RECEIVED

OCT 16 2017

SC Court of Appeals

September 14, 2017

Crystal M. Holmes
S.C. Court Administration
1220 Senate Street
Columbia, SC 29201

RE: *South Carolina Public Interest Foundation, et al v. City of Columbia, et al*, Civil Action
Number 2016-CP-40-00946

Dear Ms. Holmes:

I respectfully request a transcript of oral argument in Columbia before Judge Manning on cross motions for summary judgment on January 17, 2017 at 10:00 AM.

Thank you very much. I'll be happy to pay you costs.

Sincerely yours,

James G. Carpenter



James Carpenter

From: Allen, Desiree <DAllen@sccourts.org>
Sent: Thursday, September 21, 2017 8:29 AM
To: James Carpenter
Subject: RE: Letter to Court Reporter Ordering Transcript

No, sir.

From: James Carpenter [mailto:james.carpenter@carpenterlawfirm.net]
Sent: Wednesday, September 20, 2017 8:12 PM
To: Allen, Desiree <DAllen@sccourts.org>
Cc: 'Stevens, Ray N.' <raystevens@parkerpoe.com>; 'Maybank, Burnet R. III' <BMaybank@nexsenpruet.com>
Subject: Letter to Court Reporter Ordering Transcript

Ms. Allen,

I attach the letter to Harriet P. Bennett, reporter, requesting a transcript. Is there anything else I need to do?

Thank you very much for all your help.

Sincerely yours,

Jim Carpenter

The Carpenter Law Firm, P.C.
819 East North Street
Greenville, SC 29601
Telephone: (864) 235-1269
Facsimile: (864) 331-3083
Mobile: (864) 380-4880
www.carpenterlawfirm.net



WHEN IT'S WORTH FIGHTING FOR!

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HARRIET P. BENNETT  
Reporter, S. C. Court Administration  
46 Regency Oaks Drive  
Summerville, S.C. 29485

September 16, 2017

James C. Carpenter, Esq.  
The Carpenter Law Firm PC  
819 East North Street  
Greenville, S. C. 29601

Pls. let me know if  
you are in need of  
this immediately or  
you have any time problem.

IN RE: South Carolina Public Interest Foundation et al  
v. City of Columbia et al  
2016 CP 40 0946

Dear Sir:

Desiree Allen with Court Administration has forwarded  
to me your request for a Transcript of Record in the  
above matter, which was taken by a now retired Reporter  
in the Court of Common Pleas for Richland County on January  
17, 2017. *(oral arguments)*

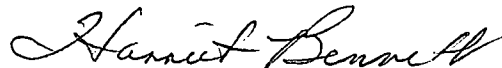
I have reviewed the material and believe that the record  
will cost approximately the following amount: 50 pages  
@\$3.25 per page, or \$162.50.

This page rate was set by the South Carolina Supreme  
Court for your information.

I would ask that if you still desire to have the record  
prepared that you forward to me a check in the above  
amount. If the transcript total comes to less, I will  
refund the balance. If the total cost of the transcript  
is more, I will bill you for the balance when the record  
is sent to you.

The transcript will be furnished to you within two weeks  
from the date of receipt of your check. If you have  
any questions, please call me at (843) 640 9941.

Very truly yours,



copy to Ms. Desiree Allen, Court Admin.



WHEN IT'S WORTH FIGHTING FOR

JAMES G. CARPENTER  
james.carpenter@carpenterlawfirm.net  
SERVING S.C. AND N.C.

September 20, 2017

Ms. Harriet P. Bennett, Reporter  
S.C. Court Administration  
46 Regency Oaks Dr.  
Somerville, SC 29485

RE: *South Carolina Public Interest Foundation, et al v. City of Columbia, et al,*  
Civil Action Number 2016-CP-40-00946

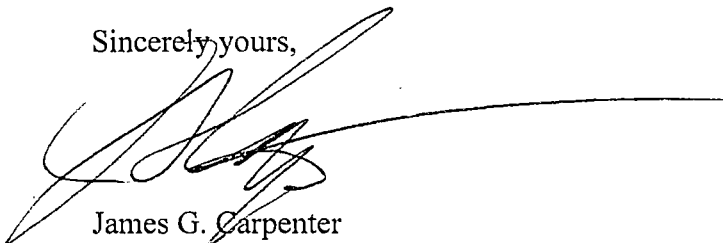
Dear Ms. Bennett:

Thank you for your letter received today. I respectfully request a transcript of the summary judgment oral argument in Columbia before Judge Manning on January 17, 2017 at 10:00 AM.

I enclose a check for \$162.50 to pay your estimated costs.

Thank you very much.

Sincerely yours,



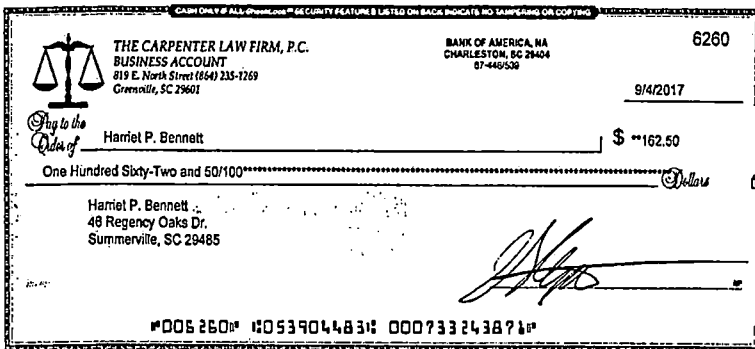
James G. Carpenter

Enclosure

CC via email: Desiree Allen, Court Administration  
Ray N. Stevens  
Burnie Maybank

**Business Economy Checking - 3871: Account Activity Transaction Details**

**Check number:** 0000006260  
**Post date:** 09/25/2017  
**Amount:** -162.50  
**Type:** Check  
**Description:** Check Image  
**Merchant name:** Check Image  
**Transaction category:** Cash, Checks & Misc: Checks



Seq: 88  
Batch: 253517  
Date: 09/25/17

12/19  
\*\*\*\*\*  
DCL SC\*\*\*\*\*  
Cash Check  
\$162.50  
R/T# 540570139  
Account  
000733243871  
Entity HSC CC 7781200 TX 00002  
Trans 00077 09/25/2017 12124

Seq: 88  
BAT: 253517 CC: 0057781200  
WT: 10 LTPS: Atlanta ET

*Harriet P. Bennett*

## James Carpenter

---

**From:** Manning, L. Casey Secretary (Raye J. Jefferson) <CManningSC@sccourts.org> on behalf of Manning, L. Casey <CManningJ@sccourts.org>  
**Sent:** Wednesday, September 13, 2017 9:45 AM  
**To:** James Carpenter  
**Subject:** RE: Transcript order, civil action number 2016-CP-40-00946

Mr. Carpenter we are checking with all the court reporters who were in Richland County that day.

Raye J. Jefferson  
Administrative Assistant to The Honorable L. Casey Manning Fifth Judicial Circuit Richland County Judicial Center  
1701 Main Street, Room 214  
Columbia, SC 29201  
Office: (803) 576-1773  
Fax: (803) 576-1744

RECEIVED  
OCT 16 2017  
SC Court of Appeals

-----Original Message-----

**From:** James Carpenter [mailto:james.carpenter@carpenterlawfirm.net]  
**Sent:** Wednesday, September 13, 2017 9:39 AM  
**To:** Manning, L. Casey <CManningJ@sccourts.org>  
**Subject:** RE: Transcript order, civil action number 2016-CP-40-00946

Thank you very much.

Jim Carpenter

-----Original Message-----

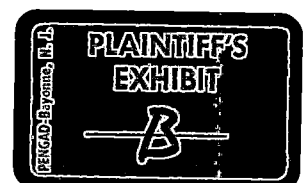
**From:** Manning, L. Casey Secretary (Raye J. Jefferson) [mailto:CManningSC@sccourts.org] On Behalf Of Manning, L. Casey  
**Sent:** Wednesday, September 13, 2017 9:38 AM  
**To:** James Carpenter <james.carpenter@carpenterlawfirm.net>  
**Subject:** RE: Transcript order, civil action number 2016-CP-40-00946

Elizabeth emailed me this morning also and I have gone back to review our notes from that day in court and the Court Reporters name is not in the notes. I am also checking with Court Administration to see if they are able to help. Will keep you informed.

Raye J. Jefferson  
Administrative Assistant to The Honorable L. Casey Manning Fifth Judicial Circuit Richland County Judicial Center  
1701 Main Street, Room 214  
Columbia, SC 29201  
Office: (803) 576-1773  
Fax: (803) 576-1744

-----Original Message-----

**From:** James Carpenter [mailto:james.carpenter@carpenterlawfirm.net]  
**Sent:** Wednesday, September 13, 2017 9:27 AM



To: Manning, L. Casey <CManningJ@sccourts.org>  
Subject: RE: Transcript order, civil action number 2016-CP-40-00946

Ms. Jefferson,

Late yesterday, the court reporter, Elizabeth Harris, and I were discussing this via email. Her notes and the recording of proceedings from that date demonstrate that she started at 11 o'clock, and the first thing on the tape was Judge Manning welcoming the jury in another case. Our hearing was at 10 o'clock. She had a vague recollection of an incident in which she had not been informed of the earlier hearing, showed up later, and the court had to find another court reporter in the courthouse to cover that earlier hearing. She is contacting the other court reporters to see if one of them handled the hearing for her and whether anyone has notes and the recording of that hearing.

Does your office have any notations about who might have handled our 10 o'clock hearing prior to Elizabeth Harris getting to the courtroom?

Thanks for your help.

Jim Carpenter

-----Original Message-----

From: Manning, L. Casey Secretary (Raye J. Jefferson) [mailto:CManningSC@sccourts.org] On Behalf Of Manning, L. Casey  
Sent: Wednesday, September 13, 2017 9:12 AM  
To: James Carpenter <james.carpenter@carpenterlawfirm.net>  
Subject: RE: Transcript order, civil action number 2016-CP-40-00946

Good Morning Mr. Carpenter,

Just letting you know I am checking on this and will let you know as soon as I find out.

Thank you,

Raye J. Jefferson  
Administrative Assistant to The Honorable L. Casey Manning Fifth Judicial Circuit Richland County Judicial Center  
1701 Main Street, Room 214  
Columbia, SC 29201  
Office: (803) 576-1773  
Fax: (803) 576-1744

-----Original Message-----

From: James Carpenter [mailto:james.carpenter@carpenterlawfirm.net]  
Sent: Tuesday, September 12, 2017 5:26 PM  
To: Manning, L. Casey <CManningJ@sccourts.org>; Harris, Elizabeth B. <EHarris@sccourts.org>; 'Stevens, Ray N.' <raystevens@parkerpoe.com>  
Cc: Manning, L. Casey Law Clerk (Jonathan Pierce) <CManningLC@sccourts.org>; 'Maybank, Burnet R. III' <BMaybank@nexsenpruet.com>  
Subject: FW: Transcript order, civil action number 2016-CP-40-00946

Judge Manning,

I am trying to get the transcript of oral argument on a Motion for Summary Judgment in the Multi-County Business and Industrial Park (Private Student Dormitories) Case. Burnie Maybank, Ray Stevens and I argued the Motion before you on January 17, 2017. Opposing counsel has insisted on having a transcript of the hearing as part of the Record on Appeal. The Court Reporter (Elizabeth Harris) says she has no record of having recorded the argument.

Can you help us on this?

Jim Carpenter

-----Original Message-----

From: Harris, Elizabeth B. [mailto:EHarris@sccourts.org]  
Sent: Tuesday, September 12, 2017 5:17 PM  
To: James Carpenter <james.carpenter@carpenterlawfirm.net>  
Subject: Re: Transcript order, civil action number 2016-CP-40-00946

I am at a loss. I've rechecked my notes from 1/17/17, listened to the audio files, and had a look at the Public Index. We started court that day at 11:00. The only case we handled was a jury trial that began that morning with jury selection and ended in a mistrial in the afternoon. We did not handle any other cases that Tuesday. Then when I looked at the Public Index, I didn't see 1/17/17 listed under "Actions." (The actual date of a hearing might not be given, though.)

I don't know what to suggest from here.

Elizabeth

---

From: James Carpenter <james.carpenter@carpenterlawfirm.net>  
Sent: Tuesday, September 12, 2017 4:43 PM  
To: Harris, Elizabeth B.  
Subject: RE: Transcript order, civil action number 2016-CP-40-00946

Elizabeth,

I checked with the judge Manning's office again, and they said that you were the court reporter on duty on January 17, 2017. (I pretty sure they told me the same thing back in April; that's why contacted you.) The hearing was scheduled for 10 o'clock. Judge Manning presided on the Motion for Summary Judgment. It involved Ray Stevens, Bernie Maybank, and me.

The other side is insisting that we must have a copy of the transcript of oral argument as part of the Record on Appeal. That's why I ordered a copy of the transcript back in April. Now, because I have failed to produce Record on Appeal, with this transcript, the Court of Appeals has dismissed my case. I'm trying to get it reinstated.

Anything you can remember would be much appreciated.

Thank you very much.

Jim Carpenter

The Carpenter Law Firm, P.C.  
819 East North Street  
Greenville, SC 29601  
Telephone: (864) 235-1269

Facsimile: (864) 331-3083  
Mobile: (864) 380-4880  
www.carpenterlawfirm.net

WHEN IT'S WORTH FIGHTING FOR!

-----Original Message-----

From: Harris, Elizabeth B. [mailto:EHarris@sccourts.org]  
Sent: Tuesday, September 12, 2017 4:18 PM  
To: James Carpenter <james.carpenter@carpenterlawfirm.net>  
Subject: Re: Transcript order, civil action number 2016-CP-40-00946

Could you please check that date? We did not handle your case on January 17, 2017.

Thanks.  
Elizabeth

---

From: James Carpenter <james.carpenter@carpenterlawfirm.net>  
Sent: Tuesday, September 12, 2017 11:54 AM  
To: Harris, Elizabeth B.  
Cc: 'Stevens, Ray N.'; 'Maybank, Burnet R. III'  
Subject: RE: Transcript order, civil action number 2016-CP-40-00946

Elizabeth,

Thank you very much. A PDF copy will be fine.

Jim Carpenter

-----Original Message-----

From: Harris, Elizabeth B. [mailto:EHarris@sccourts.org]  
Sent: Tuesday, September 12, 2017 11:15 AM  
To: James Carpenter <james.carpenter@carpenterlawfirm.net>  
Subject: Re: Transcript order, civil action number 2016-CP-40-00946

Please accept my apologies. I just did a quick email search, and it looks like I never opened your original email. I will pull the notes for your case as soon as I get home this afternoon and get to work on it tonight.

Would you prefer a hard copy through the mail, or would you instead like a PDF?

Again, I'm so sorry to have dropped this.

Elizabeth

---

From: James Carpenter <james.carpenter@carpenterlawfirm.net>  
Sent: Tuesday, September 12, 2017 11:07 AM  
To: Harris, Elizabeth B.  
Cc: 'Stevens, Ray N.'; 'Maybank, Burnet R. III'  
Subject: RE: Transcript order, civil action number 2016-CP-40-00946

Elizabeth,

I am writing to follow up on our transcript order. Can you tell me the status?

Thanks,

Jim Carpenter

From: James Carpenter [mailto:james.carpenter@carpenterlawfirm.net]  
Sent: Thursday, April 13, 2017 4:24 PM  
To: EHarris@SCCourts.org  
Cc: 'Stevens, Ray N.' <raystevens@parkerpoe.com>; 'Maybank, Burnet R. III' <BMaybank@nexsenpruet.com>  
Subject: Transcript order, civil action number 2016-CP-40-00946

Elizabeth,

Thanks for calling me. Please provide a transcript of the summary judgment argument that occurred January 17, 2017, before Judge Manning in the civil action called South Carolina Public Interest Foundation and William DePass v. The City of Columbia, Richland County, and Fairfield County, civil action number 2016-CP-40-00946.

I understand counsel for the Defendants will have to pay for their own copies of the transcript.

Thank you very much.

Jim

The Carpenter Law Firm, P.C.  
819 East North Street  
Greenville, SC 29601  
Telephone: (864) 235-1269  
Facsimile: (864) 331-3083  
Mobile: (864) 380-4880  
www.carpenterlawfirm.net<https://urldefense.proofpoint.com/v2/url?u=http-3A\_\_www.carpenterlawfirm.net&d=DwMFAg&c=YGvVmrQQ6VQOFx3Z93C9uQ&r=uKYWtIDPYJ3gzrKn1REiRFBq7AOo6tKhPMmLbZ7xsJY&m=SOED7gISps1BXpanpSlz1r3eCjLHqpfPz5NDal3FGaA&s=dzRavgfelziGrDVvJieLCETlcWLJOrylaVhjuqHlnow&e=>

[carpenter-logo (175%)]  
When It's Worth Fighting For!

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James Carpenter

From: Harris, Elizabeth B. <EHarris@sccourts.org>
Sent: Thursday, September 14, 2017 8:02 AM
To: James Carpenter
Subject: Re: SC Public Interest Foundation/DePass vs. City of Columbia, Richland, et al. (2016-CP-40-00946)

Good morning.

I'm afraid I haven't had any luck identifying the court reporter for your hearing. If you will, contact Desiree Allen, Court Reporter Section Manager at Court Administration, at DAllen@sccourts.org. I've explained the situation to her, and she will be able to do a more exhaustive search.

Thanks, and I'm sorry I couldn't be of more help.
Elizabeth

From: James Carpenter <james.carpenter@carpenterlawfirm.net>
Sent: Tuesday, September 12, 2017 5:59 PM
To: Harris, Elizabeth B.
Subject: RE: SC Public Interest Foundation/DePass vs. City of Columbia, Richland, et al. (2016-CP-40-00946)

Like I said before, thanks for all your hard work.

Jim

-----Original Message-----

From: Harris, Elizabeth B. [mailto:EHarris@sccourts.org]
Sent: Tuesday, September 12, 2017 5:58 PM
To: James Carpenter <james.carpenter@carpenterlawfirm.net>
Subject: Re: SC Public Interest Foundation/DePass vs. City of Columbia, Richland, et al. (2016-CP-40-00946)

That gives me hope!

My guess is it was Debbie McCurdy. I've contacted her and she'll be checking her notes, but I haven't heard yet if they're at the courthouse or at home.

Meanwhile, I'll check with the other CRs who were there that day.

Elizabeth

From: James Carpenter <james.carpenter@carpenterlawfirm.net>
Sent: Tuesday, September 12, 2017 5:55 PM
To: Harris, Elizabeth B.
Subject: RE: SC Public Interest Foundation/DePass vs. City of Columbia, Richland, et al. (2016-CP-40-00946)

Actually, that sounds vaguely familiar.

Jim C.

-----Original Message-----



From: Harris, Elizabeth B. [mailto:EHarris@sccourts.org]
Sent: Tuesday, September 12, 2017 5:48 PM
To: James Carpenter <james.carpenter@carpenterlawfirm.net>
Subject: Re: SC Public Interest Foundation/DePass vs. City of Columbia, Richland, et al. (2016-CP-40-00946)

I've just had a thought. There was one day some time in the last several months when someone from the office forgot to tell me a hearing had been set for earlier than 11:00. In fact, it had been set a while before the hearing. When I came strolling in at 10:45, that's when I found out. I think they grabbed another reporter to handle things.

I don't know if it was this day, but let me check with the other reporters who were in Richland that week.

From: James Carpenter <james.carpenter@carpenterlawfirm.net>
Sent: Tuesday, September 12, 2017 5:44 PM
To: Harris, Elizabeth B.
Subject: RE: SC Public Interest Foundation/DePass vs. City of Columbia, Richland, et al. (2016-CP-40-00946)

No, there were a lot of things discussed in chambers, but for this last argument, I think, for whatever reason, the judge decided to have it in open court. I think he was concerned that the press might make some noise, if there was not an open hearing related to this.

-----Original Message-----

From: Harris, Elizabeth B. [mailto:EHarris@sccourts.org]
Sent: Tuesday, September 12, 2017 5:29 PM
To: James Carpenter <james.carpenter@carpenterlawfirm.net>
Subject: Re: SC Public Interest Foundation/DePass vs. City of Columbia, Richland, et al. (2016-CP-40-00946)

I know one of the emails wanted it on the record. Any chance it was heard in chambers?

From: James Carpenter <james.carpenter@carpenterlawfirm.net>
Sent: Tuesday, September 12, 2017 5:27 PM
To: Harris, Elizabeth B.
Subject: RE: SC Public Interest Foundation/DePass vs. City of Columbia, Richland, et al. (2016-CP-40-00946)

I'm starting to wonder whether the argument was transcribed at all.
(There was no evidence entered.)

Jim Carpenter

-----Original Message-----

From: Harris, Elizabeth B. [mailto:EHarris@sccourts.org]
Sent: Tuesday, September 12, 2017 5:26 PM
To: James Carpenter <james.carpenter@carpenterlawfirm.net>
Subject: Re: SC Public Interest Foundation/DePass vs. City of Columbia, Richland, et al. (2016-CP-40-00946)

I'm just gobsmacked. There's no break in my note to show another case being heard, and the first audio of the day is of the judge greeting the jury panel. There's no chance another judge heard this at the last minute on that day?

From: James Carpenter <james.carpenter@carpenterlawfirm.net>
Sent: Tuesday, September 12, 2017 5:20 PM

To: Harris, Elizabeth B.

Subject: FW: SC Public Interest Foundation/DePass vs. City of Columbia, Richland, et al. (2016-CP-40-00946)

Elizabeth,

Thanks for all your efforts. Does this Notice of Hearing help?

My time records and other emails related to this hearing show that I was there I Columbia and argued this Motion.

Thanks,

Jim Carpenter

From: Manning, L. Casey Law Clerk (John Waites) [mailto:CManningLC@sccourts.org]

Sent: Monday, December 19, 2016 3:01 PM

To: Maybank, Burnet R. III <BMaybank@nexsenpruet.com>; James Carpenter <james.carpenter@carpenterlawfirm.net>

Cc: Walsh, Court E. <courtwalsh@parkerpoe.com>; Berlin, Randi M.

<randiberlin@parkerpoe.com>; Stevens, Ray N. <raystevens@parkerpoe.com>; Ray Jones <rayjones@parkerpoe.com>

Subject: RE: SC Public Interest Foundation/DePass vs. City of Columbia, Richland, et al. (2016-CP-40-00946)

A motions hearing for the above captioned case has been scheduled for Tuesday January 17th at 10:00 a.m. It will take place at the Richland County Courthouse on the second floor. I will inform the parties once a courtroom is assigned. Please contact our office if anything comes up between now and then. Thank you and Happy Holidays.

Christian Waites

Law Clerk to the Honorable L. Casey Manning Fifth Judicial Circuit Richland County Judicial Center

1701 Main Street, Room 214

Columbia, SC 29201

Office: (803) 576-1774

Fax: (803) 576-1744

From: Maybank, Burnet R. III [mailto:BMaybank@nexsenpruet.com]

Sent: Monday, December 19, 2016 1:45 PM

To: James Carpenter

<james.carpenter@carpenterlawfirm.net<mailto:james.carpenter@carpenterlawfirm.net>>

Cc: Manning, L. Casey Law Clerk (John Waites) <CManningLC@sccourts.org<mailto:CManningLC@sccourts.org>>; Walsh, Court E.

<courtwalsh@parkerpoe.com<mailto:courtwalsh@parkerpoe.com>>; Berlin, Randi M.

<randiberlin@parkerpoe.com<mailto:randiberlin@parkerpoe.com>>; Stevens, Ray N.

<raystevens@parkerpoe.com<mailto:raystevens@parkerpoe.com>>; Ray Jones

<rayjones@parkerpoe.com<mailto:rayjones@parkerpoe.com>>

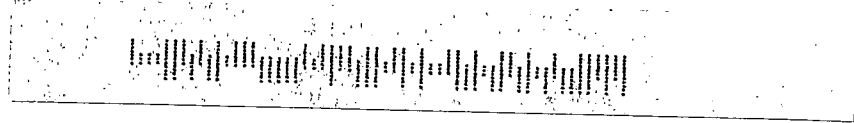
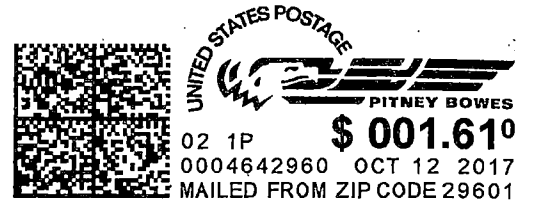
Subject: Re: SC Public Interest Foundation/DePass vs. City of Columbia, Richland, et al. (2016-CP-40-00946)

Those dates all work for me; it appears that JAN 17th at 10am works for everybody so if we can reserve that time, thanks!!!

Sent from my iPhone

On Dec 19, 2016, at 12:58 PM, James Carpenter

<james.carpenter@carpenterlawfirm.net<mailto:james.carpenter@carpenterlawfirm.net>>



THE CARPENTER LAW FIRM, P.C.
819 EAST NORTH STREET GREENVILLE, SC 29601

The Honorable Jenny Abbott Kitchings
Clerk of SC Court of Appeals
PO Box 11629
Columbia, SC 29211