

2024

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Hon. J. C. Nicholson, Jr. Circuit Court Judge

Circuit Court Case No. 2017-CP-10-4112
S.C. Court of Appeals Case No. 2018-000249

RECEIVED
MAR 19 2018
SC Court of Appeals

Chris Khamnei,

Appellant,

v.

Columbus Street Holdings,
LLC; Roy T. Willey IV and
Eric M. Poulin, individually,

Respondents.

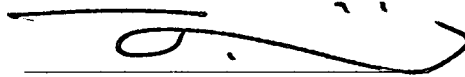
**MOTION FOR PERMISSION TO ORDER
TRANSCRIPT OUTSIDE OF TIME SET UNDER SCACR, RULE 207**

Appellant respectfully moves this Court for permission to order the transcript of the hearing, the order from which is at issue in the appeal, in accordance with the March 6, 2018 correspondence to Appellant from Deputy Clerk V. Claire Allen. Appellant had initially contacted the incorrect court reporter to order a copy of the transcript, but has identified and contacted the correct reporter and has ordered a copy of the transcript at

issue. A copy of the March 7, 2018 e-mail communication with Maria Dempsey ordering the transcript of the hearing is attached hereto as Exhibit "A."

Respectfully submitted,

LAW OFFICE OF
W. WESTBROOK WILLS III



W. Westbrook Wills III
PO Box 822
Folly Beach, SC 29439
(843) 805-6300 (telephone)
(866) 922- 8596 (facsimile)
wwills@wwillslaw.com
ATTORNEY FOR APPELLANT

Other counsel of record:

Stefan B. Feidler, Esq.
Anastopoulo Law Firm, LLC
32 Ann Street
Charleston, SC 29203
ATTORNEY FOR RESPONDENTS

From: **Dempsey, Maria** mdempsey@sccourts.org
Subject: Re: Transcript of Hearing before Judge Nicholson CA No.: 2017-CP-10-4112; Appellate Case No.: 2018-000249
Date: March 8, 2018 at 9:10 AM
To: W. Westbrook Wills III wwills@wwillslaw.com

Good morning, Mr. Wills:

Thank you for your request! Ms. Joyce was correct, I was the reporter on this hearing. No prepayment is necessary.

Thank you,

Maria Dempsey, RPR
Official Court Reporter
Ninth Judicial Circuit
The Honorable Alice Anne Richter
P.O. Box 951
Charleston, SC 29402

From: W. Westbrook Wills III <wwills@wwillslaw.com>
Sent: Wednesday, March 7, 2018 5:03 PM
To: Dempsey, Maria
Cc: Stefan Feidler; Allen, Desiree
Subject: Transcript of Hearing before Judge Nicholson CA No.: 2017-CP-10-4112; Appellate Case No.: 2018-000249

Ms. Dempsey,

Good afternoon. I had contacted court reporter Joyce Rueger to order a transcript from a hearing before Judge Nicholson. Ms. Rueger contacted me yesterday to inform me that the date of the hearing was actually earlier than the one I had supplied her, and informed me that you were the court reporter for Judge Nicholson during the hearing at issue. (See below). I am therefore contacting you to order the transcript of the hearing before Judge Nicholson on November 17, 2017 on Defendants' Motion for Partial Dismissal in case Chris Khamnei VS Columbus Street Holdings LLC; CA No. 2017-CP-10-04112. If you would please let me know the cost of the transcription, we will forward payment to you, or if you require a deposit, we are happy to provide that, as well. Also, please feel free to contact me with any question you may have or if I can provide any further information. Thank you Ms. Dempsey.

Brook Wills

W. Westbrook Wills III
The Law Office of W. Westbrook Wills III
P.O. Box 822
Folly Beach, SC 29439
Tel. (843) 805-6300
Fax (866) 922-8596

Confidentiality Note: This e-mail, and any attachment to it, contain privileged and confidential information intended only for the use of the individual(s) or entity named on the e-mail. If the reader of this e-mail is not the intended recipient, or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination, distribution, copying or other use of this e-mail message and any attachment to it is strictly prohibited. We do not waive attorney-client or work product privileges by the transmission of this e-mail. If you have received this message in error, please immediately notify us by return e-mail and/or telephone (843-805-6300) and delete the message in its entirety.

Begin forwarded message:

From: "Rueger, Joyce" <jrueger@sccourts.org>
Subject: Re: Transcript of Hearing before Judge Nicholson CA No.: 2017-CP-10-4112; Appellate Case No.: 2018-000249
Date: March 6, 2018 at 11:09:09 AM EST
To: "W. Westbrook Wills III" <wwills@wwillslaw.com>

No problem at all. Thank you.

Joy Rueger, CVR-M
Official Circuit Court Reporter
9th Judicial Circuit
P.O. Box 1472
Johns Island, SC 29457



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

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COLUMBIA, SOUTH CAROLINA 29211
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COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

March 06, 2018

Mr. Warren W. Wills, III, Esquire
W. Westbrook Wills III
PO Box 822
Folly Beach SC 29439

Re: Chris Khamnei v. Columbus Street Holdings, LLC
Appellate Case No. 2018-000249

Dear Counsel:

Our records reflect that the time for ordering the transcript has expired. Within ten days of the date of this letter, you must file a copy of the letter showing that you have ordered the transcript directly from the court reporter, along with a motion requesting permission to order the transcript outside of the filing deadlines set by Rule 207 of the South Carolina Appellate Court Rules. Your appeal will be dismissed if no motion is made within ten days of the date of this letter.

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: Stefan Bjorn Feidler, Esquire

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In The Court of Appeals

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Hon. J. C. Nicholson, Jr: Circuit Court Judge

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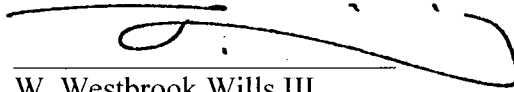
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PROOF OF SERVICE

I certify that I have served the foregoing Motion for Permission to Order Transcript Outside of Time Set Out in SCRAP, Rule 207 on the Respondents by by depositing a copy of it in the U.S. Mail, postage prepaid, on March 15, 2018 addressed to their attorney of record, Stefan B. Feidler, Esq., Anastapoulo Law Firm, LLC, 32 Ann Street, Charleston, SC 29403.

[Signature on following page]

LAW OFFICE OF
W. WESTBROOK WILLS III



W. Westbrook Wills III
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Folly Beach, SC 29439
(843) 805-6300 (telephone)
(866) 922- 8596 (facsimile)
wwills@wwillslaw.com
ATTORNEY FOR APPELLANT

Other counsel of record:

Stefan B. Feidler, Esq.
Anastopoulos Law Firm, LLC
32 Ann Street
Charleston, SC 29203
ATTORNEY FOR RESPONDENTS

THE LAW OFFICE OF
W. WESTBROOK WILLS III

W. WESTBROOK WILLS III
Admitted in Georgia & South Carolina

CIVIL TRIAL LAWYER
P.O. BOX 822
FOLLY BEACH, SC 29439

TELEPHONE: (843) 805-6300
FACSIMILE: (866) 922-8596
wwills@wwillslaw.com

March 15, 2018

VIA US MAIL

Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RECEIVED
MAR 19 2018
SC Court of Appeals

Re: *Chris Khamnei v. Columbus Street Holdings, LLC:*
Appellate Case No. 2018-000249;
Circuit Court Case No. 2017-CP-10-4112

Dear Ms. Kitchings:

Please find enclosed the original and 7 copies of Appellant's Motion for Permission to Order Transcript Outside of the Time Set Under SCRAC, Rule 207 with a copy of the correspondence to Ms. Maria Dempsey, court reporter, requesting a copy of the transcript attached as an exhibit. Also enclosed is a copy of Deputy Clerk Allen's March 6, 2018 correspondence, a firm check in the amount of \$25.00 for the motion filing fee, and a return, stamped envelope. I have copied Stefan Feidler, Esq., attorney for Respondents, with a copy of this letter and the motion.

Please do not hesitate to contact me with any questions or if I can provide any further information with regard to this motion.

Very truly yours,

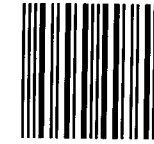

W. Westbrook Wills III

Enclosures (as stated)

cc: Stefan Feidler, Esq. (w/ enclosures)
Chris Khamnei



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W. Westbrook Wills III
CIVIL TRIAL LAWYER
PO BOX 822
FOLLY BEACH, S.C. 29439

Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

