

June 21, 2018

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
1015 Sumter Street
Columbia, South Carolina 29211

RECEIVED
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SC Court of Appeals

Re: Appellate Case No. 2017-001393
Molly M. Morphew v. Stephen Dudek, Doreen Cross, Thomas Ferro, Lorraine Ferro

Good morning, Ms. Kitchings –

I've just received email notice from Mr. Wheeler that the Respondents have filed a Motion to Dismiss on June 4th. I have not yet received said Motions

In response to Mr. Wheeler's letter to you dated June 21, 2018, and in regards to the Record on Appeal, I did certify that the Record contains all materials proposed to be included by any of the parties, but I also stated, "...and not any other materials, or matter that was not presented to the lower court or *any such matter not relevant to the Appeal.*"

I had communicated with Mr. Wheeler on May 24, 2018, via email, as I was compiling the Record on Appeal, that in my review I had found two (2) instances in his designation that I thought were either improper or irrelevant, or an item he needed to provide to me in order to complete it. The first instance being the inclusion of three (3) entire transcripts, which included a transcript for a hearing on an Order not directly on appeal. Usually including an entire transcript with the Record is improper, unless the 'transcript' itself is the issue on appeal, as the entire transcript(s) tend to be long and overly burdensome. In this case, the Respondent calls out three (3) entire transcripts in only one instance within their Brief and they are only referenced to prove "Morphew had attended all three (3) hearings, so notice must not be an issue", which is irrelevant to the appeal as I had not raised issue with notice to the three (3) hearings. (Therefore, including another 400+ pages to the Record seems undue just to prove an issue not on appeal.) Instead, Morphew had suggested including only the first two (2) pages of each, which calls out who is in attendance. I communicated this with Mr. Wheeler, stating if the Appellate Court feels entire transcripts are required, then we will leave it up to this Court to decide that.

I understand if this Court requires an 'entire' transcript to review, it will be requested, as the applicable transcripts are to be made available to this Court at any time during the entire appeal and for a period of at least one (1) year after the remittitur (Rule 207(c)).

Additionally, contrary to what Mr. Wheeler claims, I have ordered and received the appropriate transcripts for the two Orders on appeal, 1) Order of May 17, 2017 – Transcripts: Hearing Date May 12, 2017, and 2) Order of June 15, 2017 – Transcripts: Hearing Date June 12, 2017). Any additional transcripts considered outside what's being directly appealed are not required to be ordered by the Appellant.

The second instance is, though I agree with Mr. Wheeler that I, as the Appellant, am responsible for COMPILING the record on Appeal, including all items listed in the Respondents' Designation of Matter, I'm not responsible for a transcript for an Order not directly on appeal.

Yes, "compiling", meaning, "collect (information) in order to produce something", but instead Mr. Wheeler is attempting to place full liability and burden on me (including costs) to obtain the Respondents Matter, specifically hearing transcripts outside what is directly being appealed or not contained in my Designation of Matter. If this were the case, I would be prejudiced as I have already satisfied the [transcript] requirement on which those Orders I've appealed. Since it can take up to 60 days to obtain a transcript once ordered, this again would [fatally] prejudice me, as such a standard would be a means to enable any respondent to critically disable an appellant's appeal (i.e., by interfering with an appellant's ability to meet the time constraints of an appeal). And that is why the rule states transcripts are to be ordered within 10 days of notice of appeal and received within 60 days of said notice. Moreover, I had communicated with Mr. Wheeler, "if the Respondents felt this 'extra' transcript was proper and they are insisting on including it on the Record, they will need to provide it to me so I can include it." In this statement, I assumed if the Respondents were referencing the document in their Brief then they must have possession of it, or how else could they know what it says or doesn't say? It appears Mr. Wheeler has referenced a document in its filed Brief that by doing so certifies it's valid and exists, but in actuality does not exist. Meaning, this is a blatant misrepresentation by Mr. Wheeler and the Respondents, and could be considered unlawful and a violation of Rule 11, filing false documents or misrepresentations.

As for Mr. Wheeler's issue with my final briefs, they were filed with the court bound (except for one copy) (Rule 267(d)) with the covers being blue (Rule 267(e): the brief of

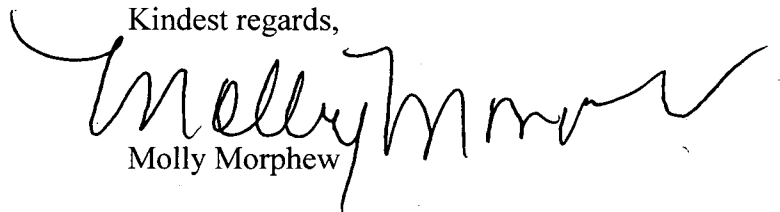
appellant blue). It appears the Record has been accepted with no outgoing correspondence from this Court to correct either alleged issue Mr. Wheeler raises about its' form.

Lastly, my communications with Mr. Wheeler and my assessment of the Record and its inclusions is not an attempt to "push" my appeal through the system, but only to make sure I adhere to the rules, correctly represent my certification, and to meet the time constraints in the appeal process. Additionally, it is my attempt to communicate with the opposing counsel so matters such as these can be addressed and resolved outside of this Court, if possible, and to make sure we are "all on the same page" with meeting the Appellate process time constraints and requirements.

I will be answering the Motion to Dismiss based on this letter and filing ASAP.

Thank you for your assistance.

Kindest regards,

A handwritten signature in cursive script, appearing to read "Molly Morphew". The signature is written in black ink and is positioned to the right of the typed name.

Molly Morphew

Cc: Steven L. Smith, Esq.
Thomas and Lorraine Ferro

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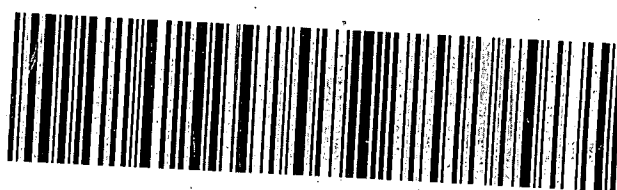
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