

STATE OF SOUTH CAROLINA)
)
COUNTY OF MCCORMICK)

IN THE COURT OF COMMON PLEAS
ELEVENTH JUDICIAL CIRCUIT

Catherine Lyons,)
)
Plaintiff,)
)
v.)
)
Gregory Lyons, Maxine B.)
Parker, and Jeanette B.)
Gilchrist,)
)
Defendants.)
_____)

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ORDER

C.A. NO: 2014-CP-35-10
(App. Case No. 2016-002549)

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This matter comes before the Court on a hearing to reconstruct the record after the device used to record the proceedings at trial malfunctioned, resulting in an incomplete transcript. Pursuant to instructions from the Court of Appeals, a special hearing was held at the office of the undersigned on Thursday, May 31, 2018. Attorney Anne Marie Hempy appeared on behalf of the Plaintiff, and Attorneys Wm. Thurmond Bishop and John Andrew Bishop appeared via teleconference on behalf of Defendant Gregory Lyons. Defendants Maxine B. Parker and Jeanette B. Gilchrist were not present.¹

The undersigned presented very detailed handwritten notes taken during the trial. Together with counsel, the notes were reviewed in order along with the portions of the testimony that were not missing from the transcript. The undersigned located the original trial exhibits and these were reviewed as well. The original exhibits have been sent to McCormick County Clerk of Court for filing.

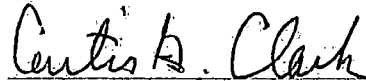
¹ These Defendants have never answered or appeared in any of the proceedings related to this case.

Ultimately, the parties could not agree on a reconstruction of the record. Counsel for Plaintiff was concerned that critical portions of her case, including the entire cross-examination of the Defendant and the majority of the cross-examination of the Defendant's key witness, Attorney John Erick Sward, were missing from the transcript and not completely captured by the Court's notes.

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The parties agreed that the handwritten notes of the undersigned would be transcribed and forwarded to the Court of Appeals, along with the incomplete transcript and trial exhibits. The undersigned is unable to provide a completely reconstructed record or any conclusion to the questions before the Court of Appeals.

AND IT IS SO ORDERED.



The Honorable Curtis G. Clark
Special Referee

Greenwood, South Carolina

~~July 22~~, 2018

August



Thomas E. Hite, Jr.* | Heather Hite Stone | Thomas E. Hite, III | Anne Marie Hempy

August 30, 2018

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

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RE:

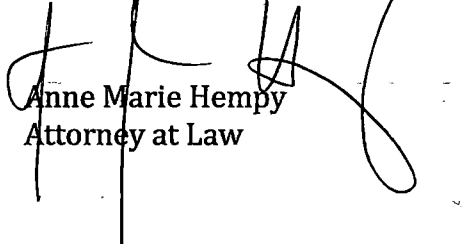
Catherine Lyons vs. Gregory Lyons, Maxine B. Lyons, and Jeanette B. Gilchrist
Court of Common Pleas Case No.: 2014-CP-35-10
App. Case No.: 2016-002549

Dear Ms. Kitchings:

We received correspondence on August 21, 2018 from the Court of Appeals requesting a status update in regards to the above referenced. Please find, enclosed, the Order signed by Judge Curtis Clark from the hearing that was held on May 31, 2018.

Should you have any other questions or need any additional information, please do not hesitate to contact me. Thank you.

Sincerely,



Anne Marie Hempy
Attorney at Law

Enclosures

cc: Wm. Thurmond Bishop, Esquire
The Honorable Curtis G. Clark
Scarlet Moore, Esquire

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